

**TAB 14**

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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF DELAWARE 3 4 MONA DOBRICH and MARCO ) DOBRICH, individually and ) 5 as parents and next friend ) of ALEXANDER DOBRICH, ) 6 SAMANTHA DOBRICH, JANE DOE ) and JOHN DOE, individually ) 7 and as parents and next ) friend of JORDAN DOE and ) 8 JAMIE DOE, ) 9 Plaintiffs, ) 10 v. ) Civil Action No. 05-120 (JJF) 11 INDIAN RIVER SCHOOL, ) DISTRICT, et al., ) 12 Defendants. ) 13 14 Videotaped Deposition of HARVEY L. WALLS, taken pursuant to notice at 31 Hosier Street, 15 Selbyville, Delaware, beginning at 1:30 p.m., on Wednesday, October 25, 2006, before Terry Barbano 16 Burke, RMR-CRR and Notary Public. 17 APPEARANCES: 18 THOMAS ALLINGHAM, ESQUIRE BRIAN LENHARD, ESQUIRE 19 One Rodney Square Wilmington, Delaware 19801 20 For the Plaintiff 21 22 WILCOX &amp; FETZER 1330 King Street - Wilmington, Delaware 19801 23 (302) 655-0477 24 www.wilfet.com</p> <p>1</p>	<p>1 MR. SHAU: I'm Jarrod Shau and I 2 represent the defendants in this action. 3 HARVEY L. WALLS, 4 the deponent herein, having first been 5 duly sworn on oath, was examined and 6 testified as follows: 7 BY MR. ALLINGHAM: 8 Q. Have you ever been deposed before, Mr. Walls? 9 A. Yes. 10 Q. When? 11 A. I'm not sure of the date. Somewhere around 12 the late 90's for a district staff employee that had 13 sued the district. 14 Q. I am going to ask you some questions. Please 15 tell me if you don't understand the question or if you 16 think it's ambiguous. 17 If you answer the question, I will 18 assume, and I think the judge and the jury will assume, 19 that you understood it. So let me know and I'll try to 20 fix the question if you have a problem. 21 You have to answer out loud yes or no, 22 not uh-huh or uh-uh. 23 And lastly, I freely confess that I tend 24 to interrupt people. I'll try not to do that. You</p> <p>3</p>
<p>1 APPEARANCES (cont'd): 2 JARROD SHAU, ESQUIRE Drinker, Biddle &amp; Reath, LLP 3 One Logan Square 18th and Cherry Streets 4 Philadelphia, Pennsylvania 19103-6996 For the Defendants 5 6 ALSO PRESENT: 7 8 TIMOTHY KEARNS MARK BUCKMASTER, Video Specialist 9 10 VIDEO SPECIALIST: This is the videotape deposition of Harvey L. Walls, taken by the plaintiff 11 in the matter of Dobrich, et al., versus Indian River School District et al., Civil Action No. 05-120, held 12 at 31 Hosier Street in Selbyville, Delaware, on October 25th, 2006, at approximately 1:32 p.m. 13 The court reporter is Terry Burke from 14 the firm of Wilcox &amp; Fetzer. My name is Mark 15 Buckmaster, a video specialist with Discovery Video 16 Services, Incorporated, in association with Wilcox &amp; 17 Fetzer. 18 Counsel will now introduce themselves and 19 the reporter will swear in the witness. 20 MR. ALLINGHAM: I'm Tom Allingham. I 21 represent the plaintiffs, and along with me are Tim 22 Kearns and Brian Lenhard. 23 24</p> <p>2</p>	<p>1 should try not to interrupt me or assume that you know 2 that what the answer to my question is, because the 3 court reporter can't take down both of us at once; 4 okay? 5 Do you know who the Doe family are? 6 A. No. 7 Q. Has anyone ever told you that they know who 8 the Doe family are? 9 A. Not to my knowledge. 10 Q. Have you spoken with anyone who has already 11 given their deposition in this matter? 12 A. I have spoken to Dr. Hattier and Mrs. Bunting. 13 Q. When did you speak to Dr. Hattier? 14 A. Oh, probably a week or two ago. 15 Q. And what was the substance of your 16 conversation, what did he say? 17 A. Just basically that it went quite a long time. 18 Q. Anything else? 19 A. We talked about, a little bit about the type 20 of stuff you might be covering or asking or something, 21 but exactly what I couldn't tell you. 22 Q. Do you recall that Dr. Hattier told you any 23 questions that he was asked? 24 A. No. He told me that you and him got into some</p> <p>4</p>

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<p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 So to come back to my earlier question,</p> <p>4 the change from "in order to solemnify its proceedings"</p> <p>5 to "in order to solemnify school board proceedings,"</p> <p>6 can we agree that's a non-substantive change?</p> <p>7 A. I think it's a substantive change.</p> <p>8 Q. Did you think that "its" -- sorry. You</p> <p>9 understood "its" in your draft to be different</p> <p>10 from "school board"?</p> <p>11 A. I understand where it says "it is the</p> <p>12 policy" --</p> <p>13 Q. No, sir. I'm just looking at the first</p> <p>14 clause. Just the "in order to solemnify its</p> <p>15 proceedings," "in order to solemnify school board</p> <p>16 proceedings," that's not a substantive difference,</p> <p>17 correct, that first clause?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. We have spoken about the change from</p> <p>20 "it is the policy of the board" to "the board of</p> <p>21 education may choose," and you've described that in the</p> <p>22 one you viewed that as requiring a board to open its</p> <p>23 meetings with a prayer, whereas in the draft that you</p> <p>24 created it was the board of education may, but doesn't</p> <p style="text-align: center;">37</p>	<p>1 draft reads, "Such prayer is voluntary and it is among</p> <p>2 only the adult members of the board."</p> <p>3 That's not a substantive change, you</p> <p>4 just thought your draft was clearer; correct?</p> <p>5 A. Correct.</p> <p>6 Q. And can we agree that the second sentence of</p> <p>7 the fourth paragraph is unchanged from Mr. Neuberger's</p> <p>8 draft?</p> <p>9 A. Yes.</p> <p>10 Q. And the fifth paragraph is unchanged from the</p> <p>11 Neuberger draft; is that right?</p> <p>12 A. Correct.</p> <p>13 Q. Okay.</p> <p>14 Now, I take from the fact that you made</p> <p>15 changes in the draft, including ones what you viewed as</p> <p>16 a substantive change in the draft, that you read and</p> <p>17 carefully considered Mr. Neuberger's draft?</p> <p>18 A. Yes.</p> <p>19 Q. Paragraph 1 of the draft appears to specify</p> <p>20 what the purpose of the prayer or a moment of silence</p> <p>21 is in that it says, "In order to solemnify its</p> <p>22 proceedings, the board of education may choose to open</p> <p>23 its meetings with a prayer or moment of silence."</p> <p>24 Would you agree with me that the policy</p> <p style="text-align: center;">39</p>
<p>1 have to; correct?</p> <p>2 A. Right.</p> <p>3 Q. The second paragraph, there is a, I think, a</p> <p>4 minor change, but let's just confirm that it is a minor</p> <p>5 change. The Neuberger draft says, "On a rotating</p> <p>6 basis, one individual adult board member per meeting</p> <p>7 will be given the opportunity to offer a prayer or</p> <p>8 moment of silence," and in your draft, there is a</p> <p>9 change to, "to offer a prayer or request a moment of</p> <p>10 silence."</p> <p>11 Do you see the difference?</p> <p>12 A. Yes.</p> <p>13 Q. And am I right that that's not a substantive</p> <p>14 change, you just thought that you were drafting it more</p> <p>15 clearly by saying "request a moment of silence"?</p> <p>16 A. That's correct.</p> <p>17 Q. In the third paragraph, would you agree with</p> <p>18 me there are no changes from the Neuberger draft to</p> <p>19 your draft?</p> <p>20 A. Yes.</p> <p>21 Q. The fourth paragraph there is a very modest, I</p> <p>22 think a very modest change in the first sentence. The</p> <p>23 Neuberger draft reads, "Such prayer is voluntary and it</p> <p>24 is just among the adult members of the board." Your</p> <p style="text-align: center;">38</p>	<p>1 sets forth the purpose of the prayer or moment of</p> <p>2 silence offered by the board member, which is to</p> <p>3 solemnify its proceedings?</p> <p>4 A. Yes.</p> <p>5 Q. When you voted to adopt this policy, what did</p> <p>6 you understand the phrase "to solemnify its</p> <p>7 proceedings" meant?</p> <p>8 A. Just to impress upon the importance of a</p> <p>9 regular meeting, just to ask for guidance in making the</p> <p>10 proper decisions.</p> <p>11 Q. I understand that to be two separate goals,</p> <p>12 one to impress on the board members that they needed</p> <p>13 take their responsibility seriously in the meeting that</p> <p>14 was coming up; is that right?</p> <p>15 A. Uh-huh.</p> <p>16 Q. And the second one was to seek divine guidance</p> <p>17 for the decisions that would be made; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know whether the board prayer policy</p> <p>20 was ever discussed at a policy committee meeting?</p> <p>21 A. I don't believe it was. Other than to ask for</p> <p>22 its proper format from the other policy members. Me as</p> <p>23 a board member, I don't know just exactly what letter</p> <p>24 to assign. That's the format I'm saying. I mean the</p> <p style="text-align: center;">40</p>

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<p>1 THE WITNESS: I don't know.  2 MR. SHAU: You can answer as to whether  3 or not the attorneys reviewed it. I'm going to  4 instruct the witness not answer as to whether or not  5 they approved the policy BDA.1.  6 BY MR. ALLINGHAM:  7 Q. Let me break it into two questions.  8 A. I don't know if they reviewed it or not.  9 Q. Was it your practice as chairman of the policy  10 committee to have the board's attorneys review policies  11 before they were proposed for adoption?  12 A. Not all policies.  13 Q. How did you decide which policies to have the  14 board attorneys review?  15 A. A lot of times I left that decision to the  16 administrators.  17 Q. The administrators being the superintendent  18 and the assistant superintendent?  19 A. Well, the superintendent wasn't on the policy  20 committee, but the assistant superintendent was.  21 Q. I have reviewed the minutes and audiotapes of  22 the meetings since October 19th, 2004, and it appears  23 to me that you did not offer a prayer during the period  24 from October 2004 until you left the board; is that</p> <p style="text-align: center;">73</p>	<p>1 A. I had that feeling.  2 Q. How did you get that feeling?  3 A. Well, this is Sussex County. When things get  4 stirred up pretty much --  5 Q. You hear about it?  6 A. You hear it.  7 Q. Would you agree that news can travel just as  8 effectively by word of mouth in Sussex County as by  9 other media?  10 A. I would agree to that.  11 Q. When you arrived -- before the meeting, did  12 you know that there would be overflow, an overflow room  13 set up with a video feed?  14 A. I probably did know that.  15 Q. Did Mrs. --  16 A. I think Mrs. Hobbs may have briefed me that  17 afternoon.  18 Q. Was it your practice to meet with the  19 superintendent in the afternoon before a board meeting  20 A. No.  21 Q. When you walked into the board meeting at  22 Frankford Elementary on August 24th, what do you recall  23 about the atmosphere?  24 A. Kind of tense. But it seemed to be, you know,</p> <p style="text-align: center;">75</p>
<p>1 correct?  2 A. Me personally?  3 Q. Yes.  4 A. No, I think I did.  5 Q. You're absolutely right. And you offered a  6 prayer that was taken from a speech or a sermon by  7 Martin Luther King?  8 A. That's correct.  9 Q. How did you find that?  10 A. I don't know. It was a historical prayer. I  11 can't remember just exactly the context of it.  12 Q. Why did you choose a prayer by Martin Luther  13 King?  14 A. No reason.  15 Q. There can't be no reason.  16 A. I don't remember.  17 Q. Do you recall if you said at the meeting  18 before you gave the prayer that it was a prayer from  19 Martin Luther King?  20 A. I don't recall. I could have.  21 Q. Did you get the prayer from Dr. Hattier?  22 A. I don't know where I got the prayer from.  23 Q. Did you know before the August 24th board  24 meeting that it was going to be well attended?</p> <p style="text-align: center;">74</p>	<p>1 under control.  2 Q. One of your colleagues has testified that it  3 seemed to be emotionally charged. Would you agree with  4 that?  5 A. I would agree with that.  6 Q. Were people carrying signs in the audience?  7 A. They could have been. I don't remember.  8 Q. You don't remember.  9 On occasion were there outbursts from  10 the crowd in the audience?  11 A. There were, I think, a couple people yelling  12 out or whatever. I can remember banging the gavel and  13 asking people to be respectful of one another.  14 Q. That's what I was going to ask you. You were  15 in charge of keeping order at the meeting; correct?  16 A. Yes.  17 Q. And from time to time did you have to bang the  18 gavel in order to get order?  19 A. Yes, I think I did.  20 Q. During the public comment section of the  21 meeting, did you consider the tone of the comments  22 respectful and courteous?  23 A. Most of them.  24 Q. Did you find some of the comments</p> <p style="text-align: center;">76</p>

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<p>1 A. Yes, I heard it.</p> <p>2 Q. And did you find that disturbing as you</p> <p>3 watched it, that people would be laughing at a</p> <p>4 description of somebody disappearing?</p> <p>5 A. Yes. But I don't believe you saw me laughing</p> <p>6 on there.</p> <p>7 Q. I don't think I did.</p> <p>8 Was it your voice at the beginning of</p> <p>9 the segment that I played for you that said something</p> <p>10 along the lines of, "Sorry, Harold, I was going to say</p> <p>11 Earl"?</p> <p>12 A. It could have been. And I don't know why I</p> <p>13 would have said that.</p> <p>14 Q. Do you recall that the August 24th meeting was</p> <p>15 opened with a prayer?</p> <p>16 A. Yes.</p> <p>17 Q. You invited Dr. Hattier to give that prayer --</p> <p>18 A. That's correct.</p> <p>19 Q. -- correct?</p> <p>20 A. Correct.</p> <p>21 Q. Did you know what prayer he was going to give?</p> <p>22 A. I did.</p> <p>23 Q. How did you find out what prayer he was going</p> <p>24 to give?</p> <p style="text-align: center;">85</p>	<p>1 years. Something else too.</p> <p>2 I have been a coach in Little League</p> <p>3 baseball and Little League wrestling and football.</p> <p>4 Oh, American Legion, I'm a member of</p> <p>5 that too.</p> <p>6 Q. I should have asked you this at the beginning</p> <p>7 of the deposition. Are you employed?</p> <p>8 A. Yes.</p> <p>9 Q. And what is your position?</p> <p>10 A. I'm a crematory manager at Parsell Funeral</p> <p>11 Homes.</p> <p>12 Q. And is that in Georgetown?</p> <p>13 A. That's one of them. It has four branches.</p> <p>14 Q. And have you had -- did you have that job</p> <p>15 throughout your tenure as a school board member?</p> <p>16 A. No.</p> <p>17 Q. What did you do?</p> <p>18 A. I worked at E.I. du Pont in Seaford until</p> <p>19 2001.</p> <p>20 Q. And that's when you took the job --</p> <p>21 A. Yes. I retired from DuPont and took the job</p> <p>22 with the funeral home.</p> <p>23 Q. Thank you.</p> <p>24 Were you surprised at the amount of</p> <p style="text-align: center;">87</p>
<p>1 A. He told me ahead of time when I asked him to</p> <p>2 give the prayer. He told me it would be one by George</p> <p>3 Washington.</p> <p>4 Q. Do you know whether Dr. Hattier told anyone</p> <p>5 else what prayer he was going to give?</p> <p>6 A. I don't know that.</p> <p>7 Q. Did you tell anyone else what prayer</p> <p>8 Dr. Hattier was going to give?</p> <p>9 A. I don't know if I did or not.</p> <p>10 Q. Do you recall that state representatives spoke</p> <p>11 at the meeting?</p> <p>12 A. Yes, there were three.</p> <p>13 Q. Do you recall that they read a letter?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall that the letter indicated</p> <p>16 knowledge of the prayer that Dr. Hattier was going to</p> <p>17 give?</p> <p>18 A. I don't recall that.</p> <p>19 Q. Have you ever served as a member of any other</p> <p>20 public body than the Indian River School Board?</p> <p>21 A. Yes.</p> <p>22 Q. What bodies?</p> <p>23 A. The Georgetown Jaycees, Sussex Central Pop</p> <p>24 Warner Football. I was president of that for two</p> <p style="text-align: center;">86</p>	<p>1 attention that the school board prayer issue got?</p> <p>2 A. Yes.</p> <p>3 Q. Do you think that it attracted more attention</p> <p>4 than it deserved among all the issues presented to the</p> <p>5 school board?</p> <p>6 A. Oh, definitely.</p> <p>7 Q. I am going to ask you some questions about why</p> <p>8 it might have gotten as much attention as it got.</p> <p>9 Did you ever hear any constituent say to</p> <p>10 you -- and by constituent, I mean student, parent,</p> <p>11 resident of the district, fellow board member,</p> <p>12 whatever -- did you ever hear any constituent say to</p> <p>13 you, in words or substance, that the defense of this</p> <p>14 lawsuit was a defense of Christian values?</p> <p>15 A. I've heard that said.</p> <p>16 Q. And could you tell me who you heard that from?</p> <p>17 A. No, I couldn't.</p> <p>18 Q. Could you tell me the group of which the</p> <p>19 person who said that was a member?</p> <p>20 A. No.</p> <p>21 MR. ALLINGHAM: All right. We have to</p> <p>22 change the tape. Thank you.</p> <p>23 VIDEO SPECIALIST: Going off the record</p> <p>24 at 3:35 p.m.</p> <p style="text-align: center;">88</p>

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<p>1 (Recess.)  2 VIDEO SPECIALIST: Going back on the  3 record at 3:41 p.m.  4 BY MR. ALLINGHAM:  5 Q. Right before we broke, Mr. Walls, I asked you  6 whether you had heard from anyone that the defense of  7 this lawsuit represented the defense of Christian  8 values, and you said yes. I asked you who said it, and  9 you didn't remember. I asked you from what group, and  10 you didn't remember that either.  11 Is it fair to say that you heard it more  12 than once, however?  13 A. Yes, I'd say that's fair to say.  14 Q. When I asked you questions about the  15 attendance, expected attendance --  16 A. At the big meeting.  17 Q. -- at the August 24th meeting, you told me you  18 knew it was going to be a big meeting, but you really  19 didn't know how, that you just hear things in Sussex  20 County; right, correct?  21 A. Correct.  22 Q. Is it fair to say that it is a widely held  23 view in the Indian River District that the defense of  24 this lawsuit represents a defense of Christian values?</p> <p style="text-align: center;">89</p>	<p>1 Q. And is that, was that misperception or did the  2 comments reflect a misperception that the issue was  3 prayer in the schools rather than --  4 A. Yes.  5 Q. -- school board?  6 A. I heard that from several of the speakers.  7 Q. Am I correct that you and the other board  8 members did not try to correct that misperception  9 because the public comment section is meant to be an  10 opportunity for the board to hear from the public and  11 not vice versa?  12 A. Correct.  13 Q. And that's something that the superintendent  14 had urged the board to remember; correct?  15 A. Yes.  16 Q. Do you know whether at any time before or  17 after the adoption of the board prayer policy a member  18 of the public asked for a copy of the proposed policy  19 and was -- and that request was declined?  20 A. I don't remember if somebody specifically  21 asked.  22 Q. You never heard that a person asked for a copy  23 of the policy and was told that if they wanted it, they  24 should file a Freedom of Information Act request?</p> <p style="text-align: center;">91</p>
<p>1 A. There's a lot of perceptions out there about  2 this lawsuit, I think, and not all of them are correct.  3 Q. That may or may not be true, but it's not  4 100 percent responsive to my question.  5 Would you agree with me that it's a  6 widely held view in the district that the defense of  7 this lawsuit is a defense of Christian values?  8 A. It's probably widely held in this district.  9 Q. You mentioned some potential misperceptions  10 about this lawsuit.  11 A. Uh-huh.  12 Q. Could you tell me what you had in mind when  13 you said that?  14 A. I hear things from time to time or see things,  15 and I wondered where the people are coming from beca  16 they act like they know, but I know that they don't.  17 Q. So when you said that, you didn't have any  18 particular misperception in mind?  19 A. No.  20 Q. Is it fair to say that a lot of the comments  21 at the August 24th board meeting reflected a  22 misperception about what the board was considering at  23 that time?  24 A. Yes.</p> <p style="text-align: center;">90</p>	<p>1 A. I don't remember that.  2 Q. That would be contrary to --  3 A. I mean but if this was the draft policy you're  4 talking about?  5 Q. Yes, yes.  6 A. I can't see why someone would want a draft  7 policy.  8 Q. Well --  9 A. And I don't know that the board has ever given  10 out a draft policy before it's actually adopted.  11 Q. What is the purpose of the readings of the  12 policies?  13 A. In case the board has second thoughts or wants  14 to make changes on something, it gives a chance to do  15 that.  16 Q. It is not intended to give the public an  17 opportunity to review and comment on the policies?  18 A. After the first reading, yes, but I'm not  19 giving something out to the public before I give to the  20 board on a first reading.  21 Q. I thought we might be misunderstanding one  22 another.  23 I'm talking about a request made for the  24 proposed policy after the first reading?</p> <p style="text-align: center;">92</p>

**TAB 15**



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<p>FOR THE DISTRICT OF DELAWARE  MONA DOBRICH and MARCO DOBRICH, individually and as parents and next friend of ALEXANDER DOBRICH, SAMANTHA DOBRICH, JANE DOE and JOHN DOE, individually and as parents and next friend of JORDAN DOE and JAMIE DOE,</p> <p>Plaintiffs,</p> <p>v. ) Civil Action  ) No. 05-120</p> <p>INDIAN RIVER SCHOOL DISTRICT, et al.,</p> <p>Defendants.</p> <p>Videotaped Deposition of ROBERT WILSON, taken pursuant to notice at 31 Hosier Street, Selbyville, Delaware, beginning at 1:08 p.m., on Thursday, December 14, 2006, before Terry Barbano Burke, RMR-CRR and Notary Public.</p> <p>APPEARANCES:  RICHARD S. HORVATH, JR., ESQUIRE  BRIAN LENHARD, ESQUIRE  One Rodney Square  Wilmington, Delaware 19801  For the Plaintiff  WILCOX &amp; FETZER  1330 King Street - Wilmington, Delaware 19801  (302) 655-0477  www.wilfet.com</p> <p>1</p>	<p>1 I am here on behalf of the plaintiffs, along with Brian  2 Lenhard.  3 MR. SHAU: My name is Jarrod Shau. I'm  4 here on behalf of the defendants.  5 THE WITNESS: My name is Robert Wilson.  6 ROBERT WILSON,  7 the deponent herein, having first been  8 duly sworn on oath, was examined and  9 testified as follows:  10 BY MR. HORVATH:  11 Q. Mr. Wilson, you are a member of the Indian  12 River School Board; correct?  13 A. That's right.  14 Q. You have been a member since July 2006?  15 A. That's right.  16 Q. And I am going to show you what has been  17 marked PX-9. This is a copy of the school board prayer  18 policy.  19 Since you joined the school board, have  20 you reviewed this policy?  21 A. Yes.  22 Q. When did you review it?  23 A. Pretty much when I first came on the board.  24 Q. Was this policy given to you in a packet of</p> <p>3</p>
<p>1 APPEARANCES (cont'd):  2 JARROD SHAU, ESQUIRE  Drinker, Biddle &amp; Reath, LLP  3 One Logan Square  18th and Cherry Streets  4 Philadelphia, Pennsylvania 19103-6996  For the Defendants  5  6 ALSO PRESENT:  7 Lindsay duPhily, Videographer  8  9 VIDEO SPECIALIST: This is a videotape  10 deposition of Mr. Robert Wilson taken by the plaintiff  11 in the matter of Dobrich, et al. versus Indian River  12 School District, et al., Civil Action No. 05-120.  13 This is being held in the Indian River  14 School District offices, 31 Hosier Boulevard,  15 Selbyville, Delaware.  16 We are going on the record on December  17 14th, 2006, at approximately 1:08 p.m.  18 The court reporter is Terry Burke from  19 the firm of Wilcox &amp; Fetzer, Wilmington, Delaware. My  20 name is Lindsay duPhily and the videotape specialist of  21 Discovery Video Services.  22 Counsel will now introduce themselves and  23 then the court reporter will swear in the witness.  24 MR. HORVATH: My name is Richard Horvath.</p> <p>2</p>	<p>1 other district policies?  2 A. Pretty much. Well, no. This was actually by  3 itself.  4 Q. By itself?  5 A. By itself.  6 Q. Who gave it to you?  7 A. I do not recall. I do not recall.  8 Q. Was it given to you at a school board meeting?  9 A. Yes, it was.  10 Q. And it was given to you after you joined the  11 board as a part of your orientation?  12 A. Yes -- no, not necessarily as an orientation,  13 but it was given to me after I joined the board.  14 Q. And after you received the policy, did you  15 discuss with any board members how the board prayer  16 policy operates?  17 A. No.  18 Q. Have you discussed with any school board  19 members what prayers would be prohibited under the  20 policy?  21 A. No.  22 Q. Have you discussed with any school board  23 members why the board opens its public meetings with  24 prayer?</p> <p>4</p>

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Wilson, Robert 12/14/2006 1:08:00 PM

<p>1 want. It's just like a Jehovah Witness coming to my 2 house. I listen to what they have to say. I don't 3 agree with it, I'm not rude and I'm not ignorant. 4 The same thing is with other types of 5 religions. I'm very tolerant of other religions. If 6 they want to share that with me. I'm not saying my 7 religion's the only religion. That's not exactly at 8 all what I'm trying to do. 9 That's just my way of being taught, 10 that's my teaching. That's what I believe. 11 An atheist believes there's not a God. 12 That's his belief. That's fine. 13 Q. You said same opportunity. Do you understand 14 that the opportunity we're talking about here is 15 offering a prayer at the start of school board 16 meetings? 17 A. Yes. 18 Q. Are members of the community who are not 19 school board members offered an opportunity to give a 20 prayer at the start of school board meetings? 21 A. No. 22 Q. So they don't have the same opportunity that 23 you have when it comes to offering a prayer at school 24 board meetings?</p> <p style="text-align: center;">29</p>	<p>1 you physically when you ask for the intervention? 2 A. Yes, it does. I think when you do it in the 3 public like that, I think it shows that you can come 4 together, and that's one thing that a lot of people 5 have in common. And when we say a prayer at a board 6 meeting, 99 percent of the people do take part. 7 Q. Of the people, you mean the people present? 8 A. Of the people present, they do take part. I 9 have been able to look around at several times and 10 there are people that have heads bowed. We have not 11 had anybody run out in a rave, I guess you would say. 12 It's just a way to publicly come together as a board. 13 Q. Thank you, sir. 14 The board prayer in some way is for the 15 benefit of everyone in attendance? 16 A. That's exactly right. 17 Q. And the public will not benefit from that if 18 the board prayer is outside of the public's presence? 19 A. I don't think it shows the same kind of unity. 20 We want the public to take part in the prayer. That's 21 the whole thing behind the public board meeting. If a 22 person wants to come forward after a meeting and say 23 that there was an issue with that, I can see us 24 changing it, rewording it, working with them, maybe</p> <p style="text-align: center;">31</p>
<p>1 A. No. 2 Q. Why is it of the utmost importance to ask and 3 pray for divine guidance from Our Heavenly Father? 4 A. I would say, I have to look at our 5 Constitutional government, our House of Representative 6 opens up with a word of prayer. Why is it important 7 for them to do it? We feel -- I think people on the 8 board feel whether it -- when we pray to God, now 9 understand that a God, when I say God, I'm praying to 10 God, or you're praying to God, you could mean Allah or 11 any other God, but praying to God is praying to God. 12 Do you understand what I mean by that? 13 Q. Unfortunately, sir, I don't feel like you're 14 answering my question. I asked you why is it 15 important? 16 A. It's more of a -- It's just a way, I guess, we 17 communicate through God asking for his divine 18 intervention. Okay, to a God for divine intervention, 19 whether it be my God or another person's God. 20 Q. Do you believe that divine intervention will 21 help you make better decisions? 22 A. Yes, I do. 23 Q. It doesn't matter where you ask for divine 24 intervention, does it? And by where, I mean where are</p> <p style="text-align: center;">30</p>	<p>1 even offering them to say a prayer. 2 Q. Do you think that's likely after what happened 3 to the Dobriches? 4 A. Yes, I do. 5 Q. I am going to show you a copy of what's been 6 previously marked as PX-72. 7 It's a copy of the May 3rd, 2006 issue 8 of the Delaware Wave. 9 A. Okay. 10 Q. If you will look on the second page, it's 11 marked P-2439 at the bottom. I think you're already on 12 it. 13 A. Yeah. 14 Q. Were you sent a series of questions for this 15 article? 16 A. Yes, I was. 17 Q. And did one of those questions involve the 18 prayer suit? 19 A. I don't -- let me look here and I'll tell you. 20 It evidently was, yes. 21 Q. You responded to, I guess it's a query, On 22 board's refusal to settle prayer suit, your response 23 was, "I am very proud of this school board and the 24 stand they took. It took a lot of courage to stand</p> <p style="text-align: center;">32</p>

**TAB 16**

**INDIAN RIVER SCHOOL DISTRICT  
BOARD OF EDUCATION REGULAR MEETING  
TUESDAY, JUNE 29, 1999 – 7:30 P.M.  
NORTH GEORGETOWN ELEMENTARY SCHOOL MULTI-PURPOSE ROOM**

**MINUTES**

**CALL TO ORDER**

The regular meeting of the Indian River School District Board of Education was called to order by President Richard H. Cohee at 7:30 p.m.

**ROLL CALL**

Board Members Present: Charles M. Bireley, Richard H. Cohee, John M. Evans, Gregory A. Hastings, Reginald L. Helms, William M. Howlett, (Mrs.) Christine C. Lecates,  
Board Member Late: Harvey L. Walls (7:45 p.m.)  
Board Members Absent: David W. Devine, (Mrs.) Elaine McCabe

**APPROVAL OF AGENDA** - Regular and Executive - June 29, 1999

The following items were added to the Regular Agenda:

- V. C. 1. Matt Cohee – High School Teacher Assistant at Ingram Pond
- VIII. C. School Prayer

It was moved by Mr. Helms, seconded by Mr. Hastings, to approve the Regular Agenda as amended and the Executive Session Agenda. The motion passed unanimously (7-0).

**APPROVAL OF MINUTES**

Board of Education Special Meeting Minutes – May 13, 1999  
Board of Education Special Meeting Minutes – May 18, 1999  
Board of Education Regular Meeting Minutes – May 24, 1999  
Board of Education Special Meeting Minutes – June 10, 1999

It was moved by Mrs. Lecates, seconded by Mr. Howlett, to approve the minutes as recorded. The motion passed unanimously (7-0).

PR 00271

IRSD 0030052

**BOARD OF EDUCATION REGULAR MEETING MINUTES**

June 29, 1999

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**VISITORS AND STAFF IN ATTENDANCE**

**Presentation from William Keene, University of Delaware**

William Keene from the University of Delaware presented a certificate and gifts to Dr. Susan Bunting as the recipient of the 1999 Outstanding Education Alumni Award.

President Cohee and Mrs. Hobbs recognized and presented certificates to the following for their accomplishments:

**Community/School Partnership**

Mr. & Mrs. Bruce Dolby – Donation to Phillip Showell

**Odyssey of the Mind State Tournament Winners**

**“Over the Mountain”**

Kaitlin Roach	Laura Ford
Kristin Roach	Nick Heim
Erin Harker	Colleen Powell
Katlin Harker	

**“O, My Faire Shakespeare”**

Adrienne Showell	John Belkot
Josh Fox	Tim Fannin
Rachel Clark	Drew Parsons
Candice Evans	

**High School Teacher Assistant at Ingram Pond – Matt Cohee**

**1999 YELL Excellence Award - Cathy Showell – Advisor**

**Weldon Bagwell (CM)**

**Sarah Wolfe (CM)**

**ASFSA/DSFSA Art Contest Winner**

**Erica Evans (FE)**

**Department of Education Mini Grants**

**Bob Parsons (CM)**

**Tracy Hudson (FE)**

**Interagency Program of the Year – Richard Allen Program**

**Sussex County Interagency Collaborator of the Year – Darlene St. Peter**

**Board of Education Service Awards**

**Richard Cohee**

**David Devine**

**William Howlett**

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**BOARD OF EDUCATION REGULAR MEETING MINUTES**

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**OTHER VISITORS AND STAFF IN ATTENDANCE**

Lois Hobbs, Janet Hearn, Susan Bunting Earl Savage, Patrick Miller, Charles Hudson, Greg Weer, Gregg Sutton, Carmen Deldeo, Ivan Neal, Charles Cole, Tim Fannin, Sharon Brittingham, Woody Long, Mike McClure, Christine Wolfe, Cathy Showell, Glenn Showell, Adrienne Showell, Gary Belkot, John Belkot, Raymond Moore, Sr., Kevin Mumford, JoAnn Taylor, Tracy Hudson, Kathy Roach, Tom Evans, Erica Evans, Candice Evans, Josh Fox, Robin Hall, Diane Baker, Maida Graves, Patricia Deptula, Brenda Cohee, William Cohee, Matthew Cohee, Donna Tate, Connie Fannin, Darlene St. Peter

**PUBLIC COMMENTS**

**Maida Graves**

Mrs. Graves, SDSA parent, expressed her concerns regarding the new SDSA bussing proposal for the 1999-2000 school year. She suggested that separate bus routes be established for the students attending the Southern Delaware School of the Arts. She asked that the Board help with the funding of these routes.

**Patty Deptula**

Mrs. Deptula, SDSA parent, also expressed her concerns regarding the new SDSA bussing proposal for the 1999-2000 school year. Separate bus routes were suggested as a solution to her concerns, which would create a safer environment for students.

**Deon Baker**

Mrs. Baker, SDSA parent, presented her opposition to the new SDSA bussing proposal for the 1999-2000 school year. She also suggested separate bus routes for the SDSA students.

President Cohee asked that Southern Delaware School of the Arts Bussing be placed on next month's agenda for an update.

**OLD BUSINESS**

**School Choice Applications**

Mrs. Hobbs explained that there was no School Choice information available this evening.

**NEW BUSINESS**

**Certify Election Results**

President Cohee read into the record the results of the Board Elections held on May 8, 1999:

Everett C. Toomey – District No. 3 – Three Year Term  
Lewis D. Patterson - District No. 4 – Three Year Term  
Reginald L. Helms – District No. 5 – Three Year Term  
Mary Elaine McCabe – District No. 5 – Three Year Term

PR 00273

IRSD 0030054

**BOARD OF EDUCATION REGULAR MEETING MINUTES**

June 29, 1999

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School Closings/Delayed Openings

Mr. Hastings expressed concern about the notification of parents when we have delayed openings and/or early dismissals. Mrs. Hobbs explained that extra steps were taken to notify parents of the recent early dismissal due to heat. Mr. Weer is researching procedures of other districts. Mrs. Hobbs noted we would work toward improving our procedures to better notify parents of delayed openings and early dismissals.

School Prayer

Mr. Helms asked that the Board consider designating a "Day of Prayer" which would be led by students in our schools. He suggested that the members of the Board think about this for discussion at a future board meeting. Mrs. Hobbs will research this idea and report back to the Board.

COMMITTEE REPORTS

Policy Committee

Mr. Walls reported that our policy regarding diplomas might have to be revised due to proposed laws. He also noted that a sub-committee might need to be established for school choice applications.

Negotiations Committee

Mr. Bireley made a motion, seconded by Mrs. Lecates, to table Negotiations until after Executive Session. The motion passed unanimously (8-0).

IREA Representative

Mrs. Hobbs read a letter from Mr. Kichline since he could not be at this meeting. He thanked board members for their hard work and dedication. He also thanked Mrs. Hobbs for her support. Following are the new officers of the IREA:

President	Lesia Jones
Vice-President	Darlene Johnson
Secretary	Sandra Stevens
Treasurer	Kay Moore

ADMINISTRATIVE REPORTS

Mrs. Hobbs, Board Update

School Visits

Mrs. Hobbs noted that students and staff were very busy at the end of the school year. She attended graduations at Howard T. Ennis, Sussex Central High School and Indian River High School. All were wonderful events. Mrs. Hobbs thanked everyone for their extra efforts in bringing the 1998-99 school year to a safe closure.

DSBA Annual Summer Conference - August 11

Mrs. Hobbs asked board members to notify Mrs. Hearn if they are interested in attending the August 11 DSBA Summer Conference.

PR 00274

IRSD 0030055

**BOARD OF EDUCATION REGULAR MEETING MINUTES**

June 29, 1999

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Change Date of July 1 Organizational Meeting

It was decided to have the Organizational Meeting at 6:30 p.m. on July 26, 1999 at the Frankford Elementary School.

**FINANCIAL**

Regular Invoices

It was moved by Mr. Helms, seconded by Mr. Howlett, to approve the payment of Regular Invoices. The motion passed unanimously (8-0).

Financial Summaries

Mr. Miller noted that the Substitute Teachers Cost Center would be overspent. He suggested reviewing this budgetary allocation for the future. He also noted that adjustments have been made to some areas of the Howard T. Ennis budget. This will be reflected in next month's report.

He informed the board that there would be a significant carryover in the maintenance budget. The reason for the carryover is to afford Mr. Weer time to assess the needs in the maintenance department.

Bid No. 36-99-13 Howard T. Ennis Bus

Mr. Miller recommended awarding Bid No. 36-99-13 Howard T. Ennis Bus to Wolfington Body Co. It was moved by Mr. Walls, seconded by Mrs. Lecates, to approve the recommendation to award Bid No. 36-99-13 Howard T. Ennis Bus to Wolfington Body Co. The motion passed unanimously (8-0).

**COMMUNICATIONS**

Conference Requests (None)

Use of Facilities

Use of Selbyville Middle School Cafeteria by Zoar United Methodist Church - September 18, 1999

Mrs. Hobbs recommended approval of the use of facilities request. It was moved by Mr. Helms, seconded by Mr. Evans, to approve the superintendent's recommendation. The motion passed unanimously (8-0).

Correspondence

Letter from Sharon Bradford

Mrs. Hobbs shared a letter from Ms. Bradford regarding the extended day kindergarten program and maintaining the teachers for that program.

PR 00275

IRSD 0030056



**BOARD OF EDUCATION REGULAR MEETING MINUTES**

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Letter from Charlotte Hurley

Mrs. Hobbs shared a letter from Charlotte Hurley, a substitute teacher at Indian River High School. Ms. Hurley wrote a letter expressing her appreciation to the staff at Indian River for their support during her tenure as substitute.

Field Trips (None)

STAFF

Personnel Agenda, Personnel Addendum

It was moved by Mr. Helms, seconded by Mr. Hastings, to table the Personnel Agenda and Personnel Addendum until after Executive Session. The motion passed unanimously (8-0).

District Office Task Assignments

It was moved by Mr. Helms, seconded by Mr. Walls, to table District Office Task Assignments until Executive Session. The motion passed unanimously (8-0).

PUBLIC COMMENTS

There were no Public Comments.

EXECUTIVE SESSION

It was moved by Mrs. Lecates, seconded by Mr. Howlett, to go into Executive Session at 9:00 p.m. The motion passed unanimously (8-0).

1. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
2. Strategy Session: To discuss collective bargaining, pending or potential litigation.
3. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
4. Such other business as may properly be discussed in an executive session.

RECONVENE

It was moved by Mr. Howlett, seconded by Mr. Hastings, to reconvene in Regular Session at 10:20 p.m. The motion passed unanimously (8-0).

CONSIDERATION OF AGENDA ITEMS DEFERRED

Personnel Agenda and Personnel Addendum

It was moved by Mr. Helms, seconded by Mrs. Lecates, to approve the Personnel Agenda and Personnel Addendum. The motion passed unanimously (8-0).

PR 00276

IRSD 0030057

**BOARD OF EDUCATION REGULAR MEETING MINUTES**

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**District Office Task Assignments**

It was moved by Mr. Bireley, seconded by Mr. Walls, to approve the District Office Task Assignments as presented excluding salary changes. Discussions regarding salary can be held at a later date with adjustments being made if necessary. The motion passed unanimously (8-0).

**Authorized Positions**

It was moved by Mr. Helms, seconded by Mr. Evans, to approve the recommendation of the Personnel Director regarding the Authorized Positions Postings. The motion passed unanimously (8-0).

**STUDENT HEARINGS**

Student No. 99-70, Student No. 99-71, Student No. 99-72, Student No. 99-73,  
Student No. 99-75, Student No. 99-76, Student No. 99-77, Student No. 99-78,  
Student No. 99-79, Student No. 99-80, Student No. 99-81, Student No. 99-82

It was moved by Mr. Walls, seconded by Mrs. Lecates, to approve the recommendations of the Hearing Officers regarding Student Nos. 99-70, 99-71, 99-72, 99-73, 99-75, 99-76, 99-78, 99-79, 99-80, 99-81, and 99-82. The motion passed (7-0-1).

For the Motion: Mr. Bireley, Mr. Evans, Mr. Hastings, Mr. Helms, Mr. Howlett, Mrs. Lecates, Mr. Walls  
Abstained: Mr. Cohee

**Student No. 99-77**

It was moved by Mr. Howlett, seconded by Mrs. Lecates, to modify the recommendation of the Hearing Officer to require that Student No. 99-77 attend the Richard Allen School for the 1999-2000 school year. Mrs. Hobbs explained that a meeting of the IEP team will be necessary to determine the student's placement. The motion and second were withdrawn.

It was moved by Mr. Howlett, seconded by Mrs. Lecates, to deny the recommendation of the Hearing Officer regarding Student No. 99-77. The motion passed (7-0-1).

For the Motion: Mr. Bireley, Mr. Evans, Mr. Hastings, Mr. Helms, Mr. Howlett, Mrs. Lecates, Mr. Walls  
Abstained: Mr. Cohee

**Negotiations**

It was moved by Mrs. Lecates, seconded by Mr. Evans, to approve the increased salary of the Technology Resource Manager as determined by the Board. The motion passed unanimously (8-0).

PR 00277

IRSD 0030058

**BOARD OF EDUCATION REGULAR MEETING MINUTES**

June 29, 1999

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**ADJOURNMENT**

President Cohee adjourned the meeting at 10:30 p.m.

Respectfully submitted,



(Mrs.) Lois M. Hobbs  
Secretary and Superintendent  
Board of Education  
Indian River School District

Richard H. Cohee  
President  
Board of Education  
Indian River School District

RHC/LMH:jlh

PR 00278

IRSD 0030059

**BOARD OF EDUCATION  
INDIAN RIVER SCHOOL DISTRICT**

**ROLL CALL**

DATE:

June 29, 1999

BOARD MEMBER	PRESENT	ABSENT	TIME ARRIVED
Charles M. Bireley	✓		
Richard H. Cohee	✓		
David W. Devine		✓	
John M. Evans	✓		
Gregory A. Hastings	✓		
Reginald L. Helms	✓		
William Howlett	✓		
Christine C. Lecates	✓		
Elaine McCabe		✓	
Harvey L. Walls		✓	late 7:45

PR 00279

IRSD 0030060

**INDIAN RIVER SCHOOL DISTRICT  
BOARD OF EDUCATION REGULAR MEETING**

June 29, 1999

**IN ATTENDANCE  
PLEASE PRINT NAME**

Mike McClave	Deanne & Baker
Christine Wolfe	Mauda Grimes
Cathy Shawell	Patricia L. Deptula
Glenn Shawell	Brenda Cole
APRIENNE SHAWELL	William E. Calcutt
<del>APRIENNE SHAWELL</del>	Matthew R. Cohen
GARY T. BELKOT	Donna J. Tate
John BELKOT	Connie Farnen
RAYMOND MOORE, SR.	Jim Farnen
Kevin B. Mumford	John F. Farnen
JoAnn Taylor	Ray Moore
Quay Hudson	Caamen J. Alder, Jr.
Sharon Brittini	Sharon Buttingham
Earl J. Savage	Brygg Sutton
Greg G. G. G.	Ivan Neal
Charles Hudson	Charles Cole
Kathy Roach	Wesley Long
Tom Evans	
Erica Evans	
Concieve Evans	
John Fox	
Robin Hall	
Rachel Clark	

PR 00280

IRSD 0030061

**TAB 17**

May 9, 2008

Coastal Point

# Sedona

Continued from page 16

Following his two-year stint at Fusion, Stowles was the head chef at Stripper Bites in Leesville for seven years.

"My background is more of this type of cooking," he said of Sedona. "Stripper Bites was a good job and we did a lot of great things there, but I want to get back into running a thinner-only menu and work with some kicked-up food."

With plenty of experience and a unique taste for perfection, Stowles hopes to bring some novel features to Sedona.

"The menu itself is still going to be American cuisine," he assured, "and we'll be working basically with the same products."

One of the first distinctions patrons will discover is the addition of tapas or miniature dishes to the menu. Derived from Spanish cuisine, tapas are increasingly popular fare at restaurants, especially in the United States and United Kingdom. Rather than ordering a large entrée, customers can try a variety of smaller courses, combined to satisfy the palate.

"They have a lot of these in the cities now, with these tapas items," said Parrott. "You can eat anything. Customers can go into places and have small portions of anything they want, from filet mignon to pork chops or seafood, and not fill up on any one thing. It really allows people to try a variety of food without having to pay the high-end price for an entire meal."

Prices for tapas plates can start from \$6 to \$8 and run up to about \$14.

"I'm very excited about working with tapas," said Stowles. "I haven't before, but I've eaten a lot of them. The opportunity for somebody to come in and get three different plates of different kinds of food, instead of one is a great concept. I think people will enjoy coming in, sitting at the bar and sampling some different tapas with a glass or two of wine, rather than sitting down and

## WARREN'S STATION

Here We Go Again!

Opening for the Season! Friday, May 9th 4:30pm - Saturday, May 10th 8:00am

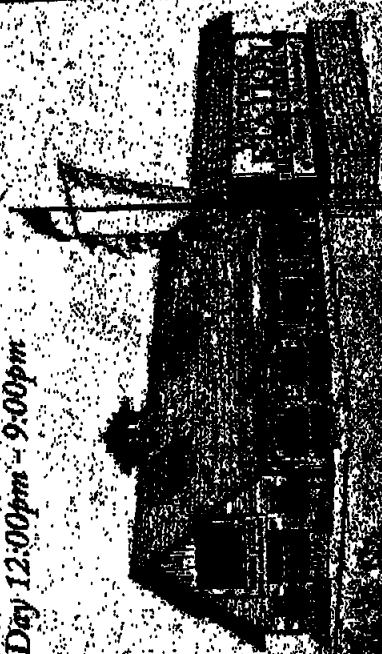
Serving Mother's Day 12:00pm - 9:00pm

Great Service, Great Food For Over 45 Years!

The entrees vary from fresh seafood to roast turkey with all the trimmings, including fresh vegetables and homemade desserts. Special children's entrees will carry out menus. Visa & MasterCard accepted.

Call today for Reservations & Dining Room

202-597-1566



## To the residents of the Indian River School District living in the 5th voting district:

I am writing this letter on behalf of Mrs. Donna Mitchell, a moving target in terms of not knowing how much the state is going to require the district to cut spending. We are faced with the possibility of cutting personnel and programs in order to give back to the state the required funds. We have not been given an exact figure as of yet, but we think it will be a substantial amount.

Mrs. Mitchell and I are in agreement not to cut the buildings or any classroom personnel to achieve these cuts.

Mrs. Mitchell and I have had the honor and privilege of serving on the IRSD Board of Education during a time of great success. Dr. Susan Banning gave a summary of the district's 2007 accomplishments to a group of our legislators which included some of the following accolades:



# To the residents of the Indian River School District living in the 5th voting district:

I am writing this letter on behalf of Mrs. Donna Mitchell and myself to ask for your vote in the upcoming IRSD school board elections, to be held on May 13, 2008. Mrs. Mitchell and I have had the honor and privilege of serving on the IRSD Board of Education during a time of great success. Dr. Susan Bunting gave a summary of the district's 2007 accomplishments to a group of our legislators which included some of the following accolades:

- Ten Indian River schools have been rated as "superior" by the state of Delaware;
- Indian River's two high schools have been rated as "superior" by the state of Delaware;
- The district's third- and fifth-graders are rated first in the state in reading and mathematics;
- The district's eighth-graders placed third in math and fourth in reading in the state;
- Based on our outstanding DSTP performance, the IRSD has five National Blue Ribbon Schools;
- Frankford Elementary was recognized for the Intel Scholastic Technology award;
- North Georgetown and Long Neck Elementary Schools were awarded State Distinguished Title I awards;
- The counselor at Phillip Showell Elementary was selected as the Delaware Elementary Counselor of the Year;
- Indian River High School received a successful accreditation report from the Middle States Commission on Higher Education.

One legislator's remarks were, *"It takes several things to contribute to this type of success and one of those things is a good board making good decisions."*

The IRSD has shown great success; but we still have some challenges to address. One challenge is the financial situation the State of Delaware is in at the present time. The IRSD board of education has been asked to hit

a moving target in terms of not knowing how much the state is going to require the district to cut spending. We are faced with the possibility of cutting personnel and programs in order to give back to the state the required funds. We have not been given an exact figure as of yet, but we think it will be a substantial amount.

Mrs. Mitchell and I are in agreement not to cut the buildings or any classroom personnel to achieve these cuts. We feel there are other areas that can be cut in order to cover the required amount and we would be diligent in looking for these areas.

Another challenge is the issue of "the Board Prayer." Mrs. Mitchell and I stand firm on the IRSD board of education's ability to have prayer before each regular board meeting as has been the custom of our Board of Education for years. There are some candidates, if elected, who would vote to "just sit down and be quiet" and let such organizations as the ACLU intimidate the board into submission.

Mrs. Mitchell and I are law-abiding citizens; however, we have and will continue to vote to fight for prayer before board meetings until such time as the law prohibits such action. As of today, it is not unlawful to do so and we will fight to keep it that way.

Donna and I would like to thank the residents of the 5th voting district for the opportunity to serve these past years. We think our past record speaks volumes of our ability to make good decisions for our students, staff and taxpayers in our district.

If you would like to have board members who are genuinely concerned with the education of our youth, as well as making sure we get the best bang for your hard-earned tax dollars, and members who will stand firm for our beliefs, then you need to re-elect Donna Mitchell and Reggie Helms to the IRSD Board of Education on Tuesday, May 13, 2008.

**Remember, a vote for Helms and Mitchell is a vote for continued success.**

*Thank you and GOD bless the IRSD*

*Reggie Helms*

*Donna Mitchell*

PAID FOR BY THE CANDIDATES

Y-11A  
16-1-062

**TAB 18**

Coastal Point

May 9, 2008

# Voters to elect school board members Tuesday

By Ryan Saxton  
Staff Reporter

The Indian River School Board will be filling three seats next week in Districts 4 and 5, in elections on Tuesday, May 13.

Three candidates will contest for a term representing District 4: Harold I. Walters, Christopher A.

White, and incumbent board member Dr. Donald G. Hattler. Ballots can be cast by District 4 residents at Indian River High School, located at 29772 Armory Road in Dagsboro, or at Lord Baltimore Elementary School at 120 Atlantic Avenue in Ocean View.

Two seats are up for grabs in District 5, as Sharon L. Brittingham runs against incumbents Reginald L. Helms and Donna M. Mitchell. Voters residing in District 5 can vote for two candidates and should report to Selbyville Middle School at 80 Bethany Road in Selbyville to cast a ballot.

## Donald Hattler

### District 4

**Q.** In your opinion, what is the role and purpose of the school board on a day-to-day basis, in terms of the education of the district's children?

**A.** Reviewing and helping to decide on textbooks, curriculum, policies such as drugs, dress, advising and guiding the financial decisions, guiding building needs for the rapid expansion that we have in normal years over the last several years (over 1,000 since the year 2000), helping to assure traditional values don't get lost in the myriad of new educational ideas, and setting

as a liaison between the public and the schools, the administration and government in general.

**Q.** What is your position regarding the changes in the district's religion policy in recent years and month? Should additional changes be implemented? If so, what and why? Specifically, does the board need to change its current policies regarding how the school calendar and policies deal with religious periods throughout the year (i.e. Christmas break changed to Winter Break, Easter-associated items prohibited in schools)?

**A.** My fellow board members and I worked for many months to get these policies approved. I feel that they give our students more flexibility than they have ever had, and certainly more than many school districts. All adopted policies are in line with existing federal case law on student and teacher rights.

All three seats (one in District 4 and two in District 5) have three-year terms on the board, starting July 1. Incumbent Nina Lou Bunting was unopposed in her district and will be seated for another three-year term.

Friday, May 9 will be the last day that eligible voters can mail out absentee ballots. Voters must be a bona fide resident of the Indian River School District in the district in which they are voting, a citizen of the United States of America and at least 18 years of age. Proof of identity will be required at the voting.

Affidavits must have been submitted

Many Delaware school districts are now looking at the IRSID policies as models for themselves. For instance, a student can write about Jesus in our schools without being called on it and can do artwork with a Christian theme without the teacher being able to yank the picture, as has happened in another state recently (as reported on WND.com). For that matter, if a student independently of the district wants to offer a prayer at graduation, he or she can. The student has a right to free speech that cannot be infringed upon.

I think that while the suit is still active that additional changes are not a wise idea. Besides, after two years of work, these are pretty good as they are.

As to changing the school calendar, we as a board fought to keep the right to call these holidays what they are, Christmas and Easter Break (when it coincides with Easter; otherwise, it is rightly called a Spring Break). Congress breaks for

absentee ballots can be mailed to voters, so those who have not already requested theirs will be unable to vote in this election.

The deadline to vote an absentee ballot in person in the Office of the Department of Elections is May 12 at noon.

In the Coastal Point's traditional question-and-answer series this week, each of the six candidates for the three available seats in District 4 and 5 weighed in on recent issues in the Indian River School District, including religion settlements and policies, funding and the upcoming current-expense referendum.

Christmas, as does every major legislature, and the authorization for the Christmas break was one of the first of many federal holidays that have followed. It was mentioned in the 1876 legislation that gave the day off. Our community has celebrated this as Christmas Break since time immemorial. Why does it need to change now? There is no legislation or court case that mandates this.

As to Easter items: Boy, what a snafu. It was never intended that all Easter-related items be eliminated. The e-mail from the superintendent was interpreted by each school somewhat differently and in the public's eye played out poorly. I understand this. However, when it takes a court case to determine that a school-sponsored Easter egg hunt is not religious but secular (this did happen in another federal district, went to two levels of court) it is understandable that

See IRSID Page 16

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May 9, 2008

# IRSD

Continued from page A2

we as board were extremely gun-shy. In the future, Easter and the bunny will be back, as before — at least if I have anything to say about it. We have collected the data and cases needed to withstand scrutiny.

**Q.** How do you think the board handled the lawsuit and subsequent settlement with the Dobrich and "Doc" families? Should the district have made accommodations or settled the suit sooner or held out? Should the board's prayer continue to be pursued in the court system? Should it be eliminated or should the practice continue?

**A.** As you know, this case was separated into two parts, one policies, one prayer before the board. The Dobriches wanted us to sit down with their attorney and write policies, without us having an attorney as well. This was a non-starter. Second, the two main things that they asked for were to stop prayer at graduation, at least that type sponsored by the schools, and to stop pref-

## Coastal Point

erential treatment for the SMS Bible Club students. Both of these were changed with in three months (which is the time it takes to get policies changed per the operating laws on schools districts) and the Bible Club treatment was stopped within days of coming to the district's attention. They filed suit months after we made the changes.

As to accommodations, we did as they requested prior to the suit ever happening. Among other demands, the other side wanted was that our religion policies never be changeable. This would have tied the board's hands and was rejected. This whole issue would require a separate interview to go over completely.

The Indian River School District has opened their board meetings with a prayer to solemnize the proceedings since at least the early 1970's. More than likely, meetings before then did as well. It simply was not an issue in the earlier days, since the community as a whole supports the idea. I have a graduation booklet from 1936 and a Rev. Veith offered benedictions to the graduating class of Lord Baltimore High School. This was part of the fabric of the community and has been for many generations. Why

stop now? I believe that there is a segment of the population that is trying to eliminate any mention of religion or prayer in our lives in general, and not just the schools. We have all been tolerant of other ideas, but that tolerance is now stripping us in our lives of the very things that our forefathers held dear.

I believe that what the board is doing is constitutional and would be recognized as appropriate by those that actually wrote the document as opposed to those people from today trying to reinterpret or redefine what the Founders meant. Why otherwise would the Founders have hired not one but two chaplains with in days of passing the Constitution and why did they not modify the Northwest Territory act to exclude teaching religion in schools?

That act was originally passed under the Articles of Conservation and specifically called on the schools to teach morality and religion. The first Congress reauthorized the bill without changing the language regarding teaching and schools.

Should the practice continue, yes. Should

See IRSD Page A7

# Mom

Continued from page A5

Ann Marie, who, like Colleen, has the unique perspective of being something other than in the middle somewhere (in her case, the youngest), agreed.

"You can always turn to our mom for anything," explained Ann Marie. "Whether it be help on an English paper, her famous ice tea, or just someone to talk to — I've been learning from my Mom all my life and continue to do so each day. She is an inspiration to me and to all my siblings. It's the little things she does to that make you feel special. One day, I remember, I received a postcard in the mail congratulating me on my A in Algebra.

"Being a new mom myself," continued Ann Marie, "I hope I can someday be something like her. I remember her saying something funny one Mother's Day about it being like any other day, that there shouldn't be one special day to honor your mom — it should be every day!"

So, as life comes full circle, with the births of as many grandchildren as children, I remember the hand-me downs and homemade cakes, and smile. I remember the stories of protests and the pickets, and I'm proud.

The fact the she had a life outside of our family taught us the importance of education and where it can take you. The fact that she baked those cakes from scratch taught us we have all the ingredients within us to live the life we want to live. The fact she bought those clothes that had been worn by someone else showed how to survive on little and what was really important in life — family.

Life's lessons are simple. Who needs a

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May 9, 2008

## Coastal Point

A7

# IRSD

Continued from page A2

we defend this in court, yes.

**Q.** What are your opinions on the issues in the 2008 current-needs referendum set for May 22: operating initiatives, teacher salaries and full-day kindergarten? Should taxpayers have to pay for these items or should the state or school district come up with other ways to pay for them?

**A.** • Operating initiatives: This is a must-pass for us. Since 2002, the state has eliminated a total of \$6 million from the school budget in our district alone. At the same time, salaries and other employment costs have risen dramatically. We have had to change and strip programs for years and with the new cuts (\$2.1 million for FY '08-'09, on top of the current already made cuts, with at least that in '09-'10 coming), we are going to be hard pressed to have money for programs and even to retain teachers. You can't keep cutting funding and expect the same good product.

The feds have also cut funding, while at the same time increasing mandates (No Child Left Behind comes to mind). Federal programs have been held at the same levels or cut every year since 2002. Our Hispanic population has increased from 1.7 percent in 1990 to over 19 percent now. We are not being given adequate resources to educate and bring many of those children up to the levels needed. The reality is that the state will not come up with full funding.

• Teacher salaries: Our teachers are the heart of what makes education in the Indian

River School District work. We are working hard at this time to just be able to keep the teaching force as it is given the above listed cuts. As you know the state is not giving any raises this year to anybody. We are trying to get a modest 2 percent increase to help with rising costs.

• Full-day kindergarten: All the research that I have seen indicates that full-day kindergarten will make a difference in the most vulnerable children that we have in the district. For those children this could make the difference between success and failure in life. Not all kids will need this, and for those children it ought to be a choice, and not mandatory.

Several of our local elementary schools have pilot programs which have done quite well as a choice, and if part one of this referendum passes, we ought to have the funds to continue those programs if and when the state discontinues their support. The state has tried to push this one off on the local districts financially since the idea first came up.

Having said that, the talk right now is that the state can't fund their side of the equation and this could be a moot point. We cannot afford it on our own. And even if the referendum question does pass, we would still be short several million dollars.

Should the residents pay for these? Good question. I feel that the state has a responsibility to fully fund their obligations. We are generally responsible for 35 to 40 percent. They really need to step up to the plate to fund us. However the reality is that they can't. In the meantime, we have children to educate. You have to have the funding from somewhere. This is the only method that we currently have available to ask for support.

Supposedly, the slots money goes to education; I think the promise was that it would supplement the money already given. In actuality it appears that they (the state) simply reduced the state portion by whatever the slots brought in and took that money for other projects, like the Indian River Inlet Bridge or extra road repairs in the northern end of Delaware.

We could have a tax increase on income, which is not good for the economy in general, or we could reappraise every house in Delaware and thereby generate millions as well. That, in particular, is a backdoor method where the public has no choice but simply gets stuck with a higher tax bill. At least with referendums, there is a vote and it is public. That is why I support what we are trying to do with this referendum.

If you or anybody else can come up with other ideas I am willing to listen.

On another note: The IRSD told the public in the 2000 and 2002 referendums we would modernize and rebuild our buildings, essentially all of them. We started with two new high schools for a total of around \$70 million, which included the sports field transfer of \$2.1 million in surpluses we had accumulated through careful investment (another referendum by the way).

Cape is building one high school for \$75 million just five years later. We built two for \$70 (million). And, yes, the state shorted us on that project as well. We had enough money in those referendums to refurbish, air-condition, technology update, plumbing change, rewire and just generally fix up virtually every building.

We are now down to three, Philip Showell, John M. Clayton and Frankford. Within three years, these will be finished as

well. This was something that was promised the public and the board has delivered. And, yes, the state shorted us there also. This is the largest total refurbishing project in IRSD history, totaling two new buildings, eight older buildings and new roofs on three buildings (which are under-budget at this time).

During that same time, we have some of the highest test scores in the state and have been recognized through out the United States as a good school district. The principal of Frankford, Duncan Smith, was selected several years ago to sit next to Mrs. Bush at the State of the Union address to represent the success in his building and the district in general, quite an honor for a small rural district. Our middle school, SMS is looked at as a model for other middle schools in the state. I could go on and on.

**Q.** What do you believe you offer as a potential member of the Indian River School Board at this time? What would be your goals and priorities as a board member, if you are elected?

**A.** I have been on the Finance Committee of the IRSD since 2000. I was on that committee for two years before becoming a board member. I have learned more about school financing than I ever cared to know but had to learn it to make proper decisions. As a board member you can't just come up with ideas, you have to know how to pay for them and what realities there are.

When I first joined the board curriculum were not aligned through out the district which was true for most districts in the

See IRSD Page A15

Green Baller

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# IRSD

Continued from page A7

state. I participated in that alignment process to where we are now standardized. We still have three buildings to finish and I have been in on that since the beginning. In the case of Indian River High School I was part of the advisory committee for science in the main design of the building.

I have been working for many years to increase participation in the music and arts programs, since research tells us that those kids in music do better on average than other kids. We need a better program in the northern end to complement the expanding band at SCHS. The program in the southern end is progressing better than it has in years.

Through the efforts of many people, supplementing the reading programs in our district has become a priority, one that is paying off in better scores and better educated students. I will continue to support and help find funding for them once the state pulls its support as it plans to.

We will be facing more growth in this district in the next three to five years. I have been part of the planning process for the last six years and, as part of a terrific board, have been able to guide and shape where we are now. No one board member can do much without the support of his/her fellow board members, but I have endeavored to work with, educate them and be educated by them in the needs of the district.

Lastly, I am about to graduate my first child from the IRSD. My daughter has decided to become a teacher as a result of her positive experience in this district. I still have three more to go. I feel passionately about public education and its benefits. I want the best for my children and by extension for everybody else's children as well.

**Harold Wallace**

purpose of the school board on a day-to-day basis, in terms of the education of the district's children?

**A.** The role and purpose of the school board on a daily basis is to listen to the residents of the Indian River School District (IRSD) and address any of their concerns with members of the IRSD.

**Q.** What is your position regarding the changes in the district's religion policy in recent years and months? Should additional changes be implemented? If so, what and why? Specifically, does the board need to change its current policies regarding how the school calendar and policies deal with religious periods throughout the year (i.e., Christmas break changed to Winter Break, Easter-associated items prohibited in schools)?

**A.** It is my understanding the district has made the necessary changes regarding the religion policy. I think the names of the proposed breaks should be universal throughout the State of Delaware public school system.

**Q.** How do you think the board handled the lawsuit and subsequent settlement with the Dobrich and "Doe" families? Should the district have made accommodations or settled the suit sooner or held out? Should the board's prayer continue to be pursued in the court system? Should it be eliminated or should the practice continue?

**A.** I don't have all the pertinent information to answer this question. Not having firsthand knowledge of the particulars of the case it would not be fair for me to judge either side.

**Q.** What are your opinions on the issues in the 2008 current-needs referendum set for May 22: operating initiatives, teacher salaries and full-day kindergarten? Should taxpayers have to pay for these items or should the state or school district come up with other ways to pay for them?

in the state. I believe that everyone should help to pay for these initiatives. This is not limited to the taxpayer, the school district or the state. This should be a shared expense.

**Q.** What do you believe you offer as a potential member of the Indian River School Board at this time? What would be your goals and priorities as a board member, if you are elected?

**A.** As a lifelong IRSD resident, a former IRSD employee and an alumni of the IRSD educational system, I believe I have the general knowledge of the community and the school system and will serve District 4 to improve the IRSD. My goals and priorities are to listen to the residents of the IRSD and make their voices heard.

## Christopher White

### District 4

**Q.** In your opinion, what is the role and purpose of the school board on a day-to-day basis, in terms of the education of the district's children?

**A.** In my opinion, the role and purpose of the school board or any public office is to be a voice for the people and do the right thing for the students of our district. Specifically, to be successful the board must enact worthwhile educational policies, ensure we have the best personnel to lead the district into the future, provide an optimal learning environment that helps each student succeed in their desired goal, be accountable for the decisions and policies we set and be vigilant with the fiscal policies. In summary, we can do the right thing

See IRSD Page A22

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large family was like having "built-in  
friends."

and I can only pray that I can be like her  
when I 'grow up.' We love you, Mom!"

**See MOM Page A6**

## PLEASE RE-ELECT

Dr. Hattier has been on the Indian River School Board for the last 6 years and on the Finance Committee for the last 8 years. During that time the Board has renovated 8 buildings, built two new high schools, and is preparing to renovate two more schools and potentially build a new elementary school. At the same time, the Indian River school system has been held up as a model of success in academic achievement through out the state of Delaware. Our middle school achievements are being copied by other state middle schools. All of this while facing continuing budget declines. The experience I have gained in being on the board will be needed to face the upcoming budget challenges imposed on us by the state.

*I have supported:*

*Traditional community values, Including: Prayer before board meetings music & arts,  
Adding extra teachers where needed, Teacher and leader development,  
Continued ROTC presence in both high schools, Development of sports fields at the  
new high schools, Development of practice fields for sports like soccer,  
Ingram's Pond for environmental education, truly unique  
Supported bus driver mileage increases at the state level,  
Supported all day kindergarten as an option.*

I have four children in the district, by trying to get the best education for them,  
I am also trying to get the best education for all other children as well.



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## Coastal Point

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"people wouldn't dream of starting your own master's degree with three kids in college, but she did it."

Karen Adams, the third oldest, has tender thoughts of being the "favorite," as we all know she is. (Just kidding — sort of...)

"Mommy used to say every family should have a Karen — this is when I was about 2 or 3, and I remember saying, 'But you would have the real one!' I remember giving her a hard time every time she would tell us she was pregnant again — but I am so glad she didn't stop at five or six kids. I wouldn't trade coming from a big family, [there was] always someone to play with or fight with or hang out with. Now that I am a mom, I can appreciate her even more — her energy and ability to love us all equally. I remember her taking five or six of us to church alone! Imagine. I love her."

Many of my sisters, now mothers themselves, shared that they can only now truly understand and appreciate all the sacrifices our mother made and all that she did for us. Debbie, who does not have children, said that being one of the older kids in the family has lent itself to giving her a better understanding and appreciation of the role of mother.

"Not having children myself, but being one of the older kids, I feel as though I had that experience [of taking care of children] and it never felt like a chore or like something you had to do to help out. You wanted to take the little kids to the park or play with them."

After the three girls were born, my parents had two boys in a row — something my mother always saw as a blessing, as they were followed by four more girls.

Brian Fleming, the oldest boy and fourth child, (and Kevin's brother, according to my grandfather — but that's another story) explained that my mom can only handle so much of us. And that she still, even though we are all adults, worries about our feelings.

"How about the other day, when she said, 'I love it when you are all here. Trust

me, I don't want it every day, but it is nice every now and again.' Now that is honesty, if not anything else! And, before, when she was talking about going on a trip with just Dad and she asked if that was selfish of them. For someone who has been so selfless all their life, she deserves a trip with just her husband!"

Kevin Fleming, "the middle child," put a new spin on what it was like growing up in such a large family.

"Having nine kids, Mom and Dad always made us feel important. It's nice to be in the spotlight as long as we weren't being held by the police or something," he said with a laugh. "The distraction of eight siblings certainly allowed you the freedom to be left pretty much alone. But they always seemed to be at important events or games even if there were seven other kids intow."

Amy Hobbs, the sixth child, and "the funny one," gets serious when talking about our mom. She said growing up in a large family was like having "built-in friends."

"I always thought Mommy knew everything. I'm still amazed now when I talk to her how much she knows! And no matter how bad something seems, if I talk to her about it, I feel better. Now a mother myself, I am increasingly aware of how much I would like to be like her. She's a great role model and someone I want to be when I grow up."

You've heard of the second and third child getting the shaft with picture-taking? Well, nobody even knows what Elizabeth Williamson, the eighth child, looked like until she was 3 years old, because there are no pictures to document her life until then. But she has found it in her heart to be forgiving.

"My mom is indescribable," said Elizabeth. "There aren't enough words. She is a wonderful woman, mother and role model to people everywhere — not just her family. Her love is unconditional and I can only pray that I can be like her when I grow up. 'We love you, Mom!'"

See MOM Page A6

## PLEASE RE-ELECT

Dr. Harter has been on the Indian River School Board for the last 6 years and on the Finance Committee for the last 8 years. During that time the Board has renovated 8 buildings, built two new high schools, and is preparing to renovate two more schools and potentially build a new elementary school. At the same time, the Indian River school system has been held up as a model of success in academic achievement through out the state of Delaware. Our middle school achievements are being copied by other state middle schools. All of this while facing continuing budget declines. The experience I have gained in being on the board will be needed to face the upcoming budget challenges imposed on us by the state.

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May 9, 2008

Coastal Point

165

# IRSD

Continued from page A60

productive citizens.

The prayer issue, the renovation program and the continued improvement of our test scores are some of the issues I would like to see to fruition. I would like to ask the residents of the 5th district of the IRSD to come out on the 13th of May to vote and if they think I would make a good candidate to continue on the IRSD board of education, I would appreciate their support.

**Donna Mitchell**

*District 5*

**Q.** In your opinion, what is the role and purpose of the school board on a day-to-day basis, in terms of the education of the district's children?

**A.** The role of the School Board is to set policies and act as a governing body to guide the district and establish a clear vision for the district's continuous improvement. The board acts as a liaison between the community that we represent and the administration that we are responsible to oversee. Our purpose is always to ensure that our children receive the best possible education.

**Q.** What is your position regarding the changes in the district's religion policy in recent years and months? Should additional changes be implemented? If so, what and why? Specifically,

was saddened that the Dobrich and Doe families felt they had to take such action against the district, especially since the board initially acted to address their concerns. I did vote to not accept the first settlement offer because there were so many demands that were unacceptable and would have hindered our ability to function as a school board. Eventually, a settlement concerning the first part of the lawsuit was agreed upon.

In retrospect, I am not so sure it was a good thing, because in my opinion this matter will never be resolved until it goes all the way to the Supreme Court. I say this because we still have teachers and staff who are fearful that anything they say or do could be misconstrued as insensitive to someone of another faith or culture. As for "The Board Prayer," I stand firm on our right to practice this time-honored tradition. We are an elected body and are afforded the same rights as our senate, congress and Supreme Court.

**Q.** What are your opinions on the issues in the 2008 current-needs referendum set for May 22: operating initiatives, teacher salaries and full-day kindergarten? Should taxpayers have to pay for these items or should the state or school district come up with other ways to pay for them?

**A.** The decision to conduct a referendum was forced upon the board, due to the state's unfunded mandate for all schools to implement full-day kindergarten beginning September of 2008. This would require additional

time? What would be your goals and priorities as a board member, if you are elected?

**A.** Having served on the board for three years has given me valuable experience. During the last two years, I chaired the Policy Committee and attended all subcommittee meetings chaired by other board members, despite the fact that I was not required to be there. I consider it important to hear all dialogue brought to these meetings because I believe it helps me make informed decisions when voting.

For three years, I have also attended the state meetings and workshops in Dover, where I learn about upcoming issues and new programs in our state. For the last two years, I went to the National School Board

Conventions in California and Florida where I compared notes and gained valuable insight from board members of other states. The classes and workshops conducted by successful districts enable me to see possibilities for new programs and direction for the future of the Indian River School District.

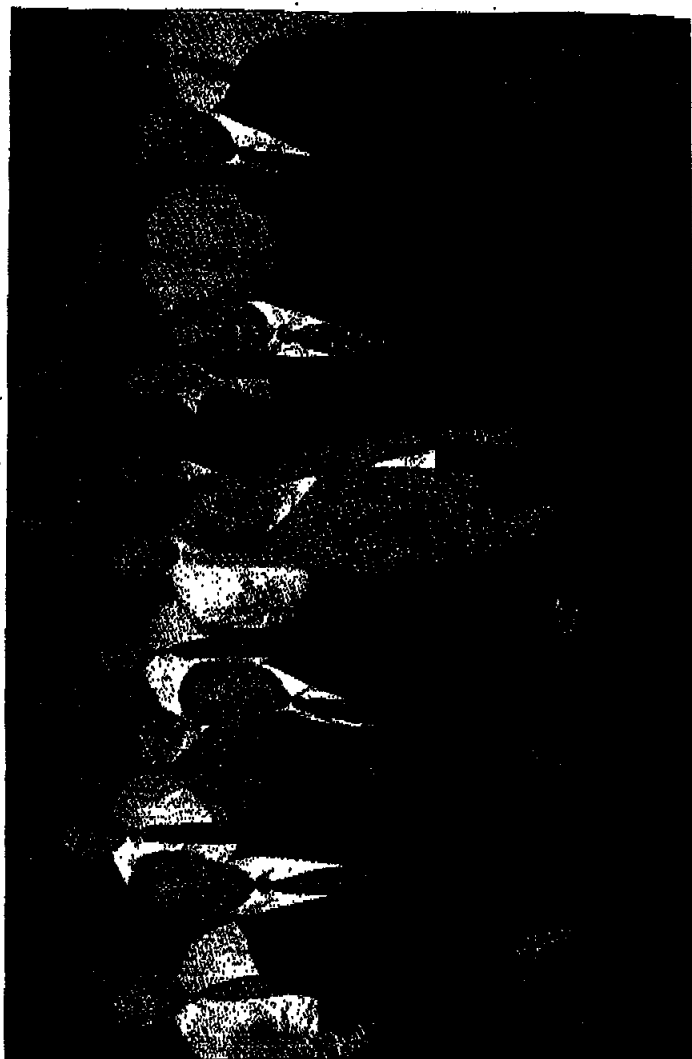
My goals would include a technical-trades school to replace the county vo-tech that once offered programs to students who were not college-bound. I would also like to see our own Scope Program in the Indian River District, which would allow room to house our discipline problems and get them out of the regular school setting.

Technology is necessary and we have to keep up if our students

are to compete in the 21st century. I am a firm believer that public schools should have a strong emphasis on the basic subjects, but offer other things as well, including sports, music, arts, science, history and geography. Physical education has been ignored, resulting in obesity, diabetes and health issues being at an all-time high for young people.

Finally, I hope to see the state testing go by the wayside so our teachers can stop teaching to the test and have more time to work these other subjects back in. Our children need a well-balanced education.

These are some of my visions for the future and I am willing to work hard to help make them happen.

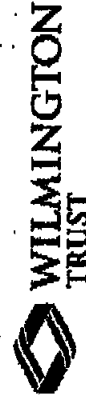


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situation that we are responsible to oversee. Our purpose is always to ensure that our children receive the best possible education.

**Q.** What is your position regarding the changes in the district's religion policy in recent years and months? Should additional changes be implemented? If so, what and why? Specifically, does the board need to change its current policies regarding how the school calendar and policies deal with religious periods throughout the year (i.e. Christmas break changed to Winter Break, Easter-associated items prohibited in schools)?

**A.** As chair of the Policy Committee, I can assure you that many long hours went into revising areas of our religion policy. Always taking into consideration the advice of our attorney, we worked to make sure that we were in compliance with the law and also that we preserved our rights under the First Amendment. As far as I am concerned, we do not need to make any further changes.

**Q.** How do you think the board handled the lawsuit and subsequent settlement with the Dobrich and "Doe" families? Should the district have made accommodations or settled the suit sooner or held out? Should the board's prayer continue to be pursued in the court system? Should it be eliminated or should the practice continue?

**A.** I joined the board after the lawsuit had already been filed and

**Q.** What do you believe you offer as a potential member of the Indian River School Board at this





A60

# IRSD

Continued from page A59

**Q.** What is your position regarding the changes in the district's religion policy in recent years and months? Should additional changes be implemented? If so, what and why? Specifically, does the board need to change its current policies regarding how the school calendar and policies deal with religious periods throughout the year (i.e. Christmas break changed to Winter Break, Easter-associated items prohibited in schools)?

**A.** The Indian River School District Board of Ed is comprised of (10) law-abiding citizens, who take their responsibility

very seriously. When presented with the possibility our policies may not be "up-to-date" with current state and federal law, we investigated, formulated, and adopted new policies to bring our district into compliance.

We have been advised by our attorney(s) that we are in compliance with state and federal law. In the Dobrich settlement we stood firm on the issue of "Christmas break" and "Easter break" being placed on our calendars and on our school signs. As one member of the IRSD board of education, I will continue to stand firm on these issues.

**Q.** How do you think the board handled the lawsuit and subsequent settlement with the Dobrich and "Doc" families?

## Coastal Point

Should the district have made accommodations or settled the suit sooner or held out? Should the board's prayer continue to be pursued in the court system? Should it be eliminated or should the practice continue?

**A.** Contrary to the claims of alleged discrimination, when Mrs. Dobrich approached the board with her concerns, the board addressed her concerns and adopted new policies accordingly. In my opinion, the board acted responsibly and did exactly what a board should do. Perhaps the prompting by outside groups, the possibility of obtaining monetary gain, may have clouded the judgment on their part.

As one board member, my opinion is we should not have settled; but we should

have gone to court and let the courts decide the case. As it turns out, the district made a settlement with the Dobrich and Doe families, but we have not settled anything. There are people who are still unsure of what we should and should not do in the district.

[Should the board's prayer continue to be pursued in the court system?]

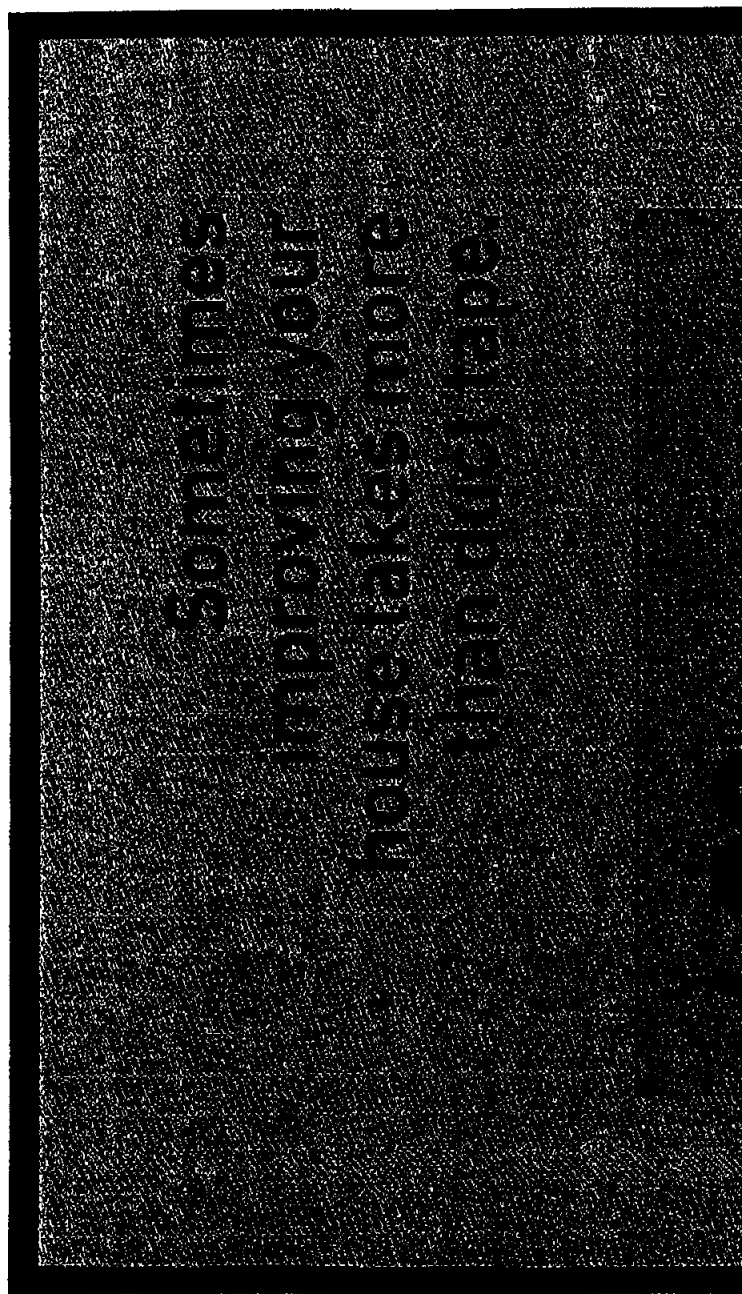
Absolutely! I believe in the freedom of religion; not freedom from religion. This is one issue I will stand up for and not waiver.

The practice of beginning our regular meetings with prayer should be continued for a very good reason. Whenever we enter into anything of great importance, we should invoke the wisdom and guidance of Deity. I am not trying to evangelize, or promote any religion; I am simply asking, in my case, for wisdom to make good and sound decisions for our district.

**Q.** What are your opinions on the issues in the 2008 current-needs referendum set for May 22: operating initiatives, teacher salaries and full-day kindergarten? Should taxpayers have to pay for these items or should the state or school district come up with other ways to pay for them?

**A.** We are planning to adopt new curriculum, which in turn would require new textbooks and supplies. At the present time, because of all the givebacks the state requires, the increase in energy costs, we do not have the adequate funds for books and supplies.

In our district, we have some of the best teachers in the state, if not the nation. As well as anyone else, our teachers expect a yearly raise. The district, for the above reasons, does not have the adequate funds for staff raises. Each taxpayer will have to decide what they are willing to support and what they feel is excess.



teachers in the state, if not the nation. As well as anyone else, our teachers expect a yearly raise. The district, for the above reasons, does not have the adequate funds for staff raises. Each taxpayer will have to decide what they are willing to support and what they feel is excess.

I voted to allow the public to tell me what they will support. As far as full-day kindergarten is concerned, I am not convinced this is really needed. There are as many opinions as there are stars in the sky on this issue. Once again, the public will decide if this is something they are willing to support.

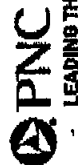
Since I have been on the board, the state has continually sent down mandates; however they have not always been funded by the state. They expect each district to raise taxes by way of referendum to secure these funds. I personally do not agree with this philosophy. If the state mandates the programs, they should fund it also.

**Q.** What do you believe you offer as a potential member of the Indian River School Board at this time? What would be your goals and priorities as a board member, if you are elected?

**A.** As a candidate for the IRSB, I bring to the table 17 years of experience. During my tenure, the IRSD has continued to improve in all areas of education. Our test scores and the many accolades that our students, teachers, and staff have received are indicative of the great things our district has accomplished. I have had the opportunity to serve the IRSD for these past 17 years and I continue to have "a servant's heart" and the willingness to help our students to be successful in their studies, and to eventually become positive and

**See IRSD Page A65**

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May 2, 2008

**IRSD**

Continued from page A50

productive citizens.

The prayer issue, the renovation program and the continued improvement of our test scores are some of the issues I would like to see to fruition. I would like to ask the residents of the 5th district of the IRSD to come out on the 13th of May to vote and if they think I would make a good candidate to continue on the IRSD board of education, I would appreciate their support.

**Donna Mitchell****District 5**

○ In your opinion, what is one of another faith or culture's

**Coastal Point**

was saddened that the Dobrich and Doe families felt they had to take such action against the district, especially since the board initially acted to address their concerns. I did vote to not accept the first settlement offer because there were so many demands that were unacceptable and would have hindered our ability to function as a school board. Eventually, a settlement concerning the first part of the lawsuit was agreed upon.

In retrospect, I am not so sure it was a good thing, because in my opinion this matter will never be resolved until it goes all the way to the Supreme Court. I say this because we still have teachers and staff who are fearful that anything they say or do could be misconstrued as insensitive to someone of another faith or culture. As

time? What would be your goals and priorities as a board member, if you are elected?

A. Having served on the board for three years has given me valuable experience. During the last two years, I chaired the Policy Committee and attended all sub-committee meetings chaired by other board members, despite the fact that I was not required to be there. I consider it important to hear all dialogue brought to these meetings because I believe it helps me make informed decisions when voting.

For three years, I have also attended the state meetings and workshops in Dover, where I learn about upcoming issues and new programs in our state. For the last two years, I went to the National School Board

Conventions in California and Florida where I compared notes and gained valuable insight from board members of other states. The classes and workshops conducted by successful districts enable me to see possibilities for new programs and direction for the future of the Indian River School District.

My goals would include a technical-trades school to replace the county vo-tech that once offered programs to students who were not college-bound. I would also like to see our own Scope Program in the Indian River District, which would allow room to house our discipline problems and get them out of the regular school setting.

Technology is necessary and we have to keep up if our students

are to compete in the 21st century. I am a firm believer that public schools should have a emphasis on the basic subjects but offer other things as including sports, music, art, science, history and geography. Physical education has been ignored, resulting in obesity and health issues becoming an all-time high for young people.

Finally, I hope to see the testing go by the wayside. Teachers can stop teaching test and have more time to teach these other subjects back in. Children need a well-balanced education.

These are some of my vision for the future and I am willing to work hard to help make them happen.



# To the residents of the Indian River School District living in the 5th voting district:

I am writing this letter on behalf of Mrs. Donna Mitchell and myself to ask for your vote in the upcoming IRSD school board elections, to be held on May 13, 2008.

Mrs. Mitchell and I have had the honor and privilege of serving on the IRSD Board of Education during a time of great success. Dr. Susan Bunting gave a summary of the district's 2007 accomplishments to a group of our legislators which included some of the following accolades:

- Ten Indian River schools have been rated as "superior" by the state of Delaware;
- Indian River's two high schools have been rated as "superior" by the state of Delaware;
- The district's third- and fifth-graders are rated first in the state in reading and mathematics;
- The district's eighth-graders placed third in math and fourth in reading in the state;
- Based on our outstanding DSTP performance, the IRSD has five National Blue Ribbon Schools;
- Frankford Elementary was recognized for the Intel Scholastic Technology award;
- North Georgetown and Long Neck Elementary Schools were awarded State Distinguished Title I awards;
- The counselor at Phillip Skowell Elementary was selected as the Delaware Elementary Counselor of the Year;
- Indian River High School received a successful accreditation report from the Middle States Commission on Higher Education.

One legislator's remarks were, "It takes several things to contribute to this type of success and one of those things is a good board making good decisions." The IRSD has shown great success, but we still have some challenges to address. One challenge is the financial situation the State of Delaware is in at the present time. The IRSD board of education has been asked to sit

a moving target in terms of not knowing how much the state is going to require the district to cut spending. We are faced with the possibility of cutting personnel and programs in order to give back to the state the required funds. We have not been given an exact figure as of yet, but we think it will be a substantial amount.

Mrs. Mitchell and I are in agreement not to cut the buildings or any classroom personnel to achieve these cuts. We feel there are other areas that can be cut in order to cover the required amount and we would be diligent in looking for these areas.

Another challenge is the issue of "the Board Prayer." Mrs. Mitchell and I stand firm on the IRSD board of education's ability to have prayer before each regular board meeting as has been the custom of our Board of Education for years. There are some candidates, if elected, who would vote to "just sit down and be quiet" and let such organizations as the ACLU intimidate the board into submission.

Mrs. Mitchell and I are law-abiding citizens; however, we have and will continue to vote to fight for prayer before board meetings until such time as the law prohibits such action. As of today, it is not unlawful to do so and we will fight to keep it that way.

Donna and I would like to thank the residents of the 5th voting district for the opportunity to serve these past years. We think our past records speak volumes of our ability to make good decisions for our students, staff and taxpayers in our district.

If you would like to have board members who are genuinely concerned with the education of our youth, as well as making sure we get the best bang for your hard-earned tax dollars, and members who will stand firm for our beliefs, then you need to re-elect Donna Mitchell and Reggie Helms to the IRSD Board of Education on Tuesday, May 13, 2008.

**Remember, a vote for Helms and Mitchell is a vote for continued success.**

*Thank you and GOD bless the IRSD.*

*Reggie Helms*

*Donna Mitchell*

thing they want, from filet mignon to chops or seafood, and not fill up on any thing. It really allows people to try a variety of food without having to pay the high price for an entire meal."

Prices for tapas plates can start from to \$8 and run up to about \$14.

"I'm very excited about working tapas," said Strowles. "I haven't before, I've eaten a lot of them. The opportunity somebody to come in and get three different plates of different kinds of food, instead of one, is a great concept. I think people enjoy coming in, sitting at the bar and seeing some different tapas with a glass of wine, rather than sitting down having a heavy meal."

And if regular diners think they already have Sedona's wine selection down pat, they should think again. Parrott plans to bring some additions to the list.

"I'd like to eventually do some more special featuring and pairing with the win too," she said.

Prior to Memorial Day, the restaurant will be open on Thursdays, Fridays and Saturdays, beginning May 8, and "we're another new concept on Sundays: brunch. Doors will be open between 9 a.m. and noon on Sundays to cater to a morning crowd.

Memorial Day will kick off Sedona's festival week schedule, and it will run through Labor Day, with restricted seasonal hours to follow.

"We would like to stay open through New Year's week, too," Parrott noted.

Employment in the restaurant's dining area will stay largely constant, with families facing serving meals to customers. And those who like to stop in for traditional favorites, don't worry; those well-liked necessities will be back.

"We will still have our popular dishes like the ahi tuna, great pork chops and crab cakes, as always," said Parrott. "We just wanted to make sure we brought in some new things, too, which ought to be a good touch."

Parrott and Strowles plan to appeal to everyone who comes to town, not just the high-end patrons.

"Basically," he stated, "the menu will be a little more in the price range of a lot of the customers. We want to accommodate more

**TAB 19**

INDIAN RIVER SCHOOL DISTRICT  
BOARD OF EDUCATION REGULAR MEETING  
TUESDAY, FEBRUARY 27, 2007 – 7:30 P.M.  
SUSSEX CENTRAL HIGH SCHOOL CAFETERIA

MINUTES

CALL TO ORDER

President Charles M. Bireley called the Regular Meeting of the Indian River School District Board of Education to order at 7:30 p.m.

President Bireley noted that it is the history of the Board of Education at the beginning of the meeting to have a prayer, which is voluntary among the adult members of the Board, and that the audience is not required to participate. President Bireley then asked Mrs. Mitchell to give an invocation.

ROLL CALL

Board Members Present: Charles M. Bireley, (Mrs.) Nina Lou Bunting, (Dr.) Dustin D. Davis, (Dr.) Donald G. Hattier, Randall L. Hughes, (Mrs.) Donna M. Mitchell, (Dr.) Patricia S. Oliphant, Robert D. Wilson  
Board Member Late: Reginald L. Helms (7:40 p.m.)  
Board Member Absent: Richard H. Cohee

APPROVAL OF AGENDA

Regular and Executive - February 27, 2007

The following item was added to the Regular Agenda:  
XIV. 8. Use of North Georgetown Elementary School Classroom by Sussex County Democratic Party – March 1 and 14, 2007 from 6:00 – 8:00 p.m.

It was moved by Mrs. Bunting, seconded by Mrs. Mitchell, to approve the Regular Agenda as amended and the Executive Session Agenda. The motion passed unanimously (8-0).

PRESENTATION OF COLORS

The Sussex Central High School Army JROTC performed the Presentation of Colors.

APPROVAL OF MINUTES

Board of Education Regular Meeting Minutes – January 23, 2007  
Board of Education Special Meeting Minutes – February 15, 2007

It was moved by Dr. Oliphant, seconded by Mrs. Bunting, to approve the minutes as submitted. The motion passed unanimously (8-0).

## **BOARD OF EDUCATION REGULAR MEETING MINUTES**

February 27, 2007

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### **VISITORS AND STAFF IN ATTENDANCE**

President Bireley and Dr. Bunting recognized and presented certificates to the following visitors for their accomplishments:

Michael C. Ferguson Scholarship Recipients (Dr. Bunting noted that a reception was held prior to the Board Meeting this evening to honor the Ferguson Scholarship recipients:

Maxinne Almine, Grace Belkot, Cameron Boucher, Abigail Buchler, Taryn Buck, Jarron Burton, Janeth Garza, Georgette Hattier, John Paul Jones, Ellen Joseph, Bryan Kaufman, Amin Lo, Ian Martin, Crystal Mihaylo, Stephanie Miller, Alyssa Murray, Leonardo Navarrete, Danielle Nobles, Amber Richards, Kurt Saunders, Brandon Shultie, Ryan Trager, Samantha West

State Football Coach of the Year - John Wells (SS)

Sussex County Elementary School Counselor of the Year - Cheryl Carey (PS)

Sussex County Middle School Counselor of the Year - Diane Twisselmann (SM)

### **OTHER VISITORS AND STAFF IN ATTENDANCE**

Susan Bunting, Earl Savage, Janet Hearn, Sandy Smith, Patrick Miller, Celeste Tanner, Jay Headman, Charlie Hudson, Tracy Hudson, Greg Weer, Cliff Toomey, Gary Brittingham, Char Hopkins, Duncan Smith, Suzanne Tiemann, Lorian White, Mark Steele, Dana Goodman, Karen Ware, Bev Marvel, Emily Pettyjohn, Pamela Shockley, Jon Brittingham, Beth Booth, Julia Knopf, Cheryl Carey, Diane Twisselmann, Heather Clark, Tyler Wright, Russell Bell, Karen Oliphant, Carol Buchler, Sarah Betlejewski, Tina Lebron, Christine Clark, Donna Meade, Barbara Martin, Ian Martin, Dori Camper, Stephanie Miller, Anna Miller, Ken Miller, Georgie Hattier, Laura Hattier, Alyssa Murray, Anne Devine, Stephen Taylor, Tina Navarette, Amin Lo, Kathy Silar, Karen Pusey, Brad Budesheim

### **STUDENT GOVERNMENT**

Tyler Wright, Treasurer of the Sussex Central High School Student Government, apprised the Board of events occurring at Sussex Central High School.

### **PUBLIC COMMENTS**

#### **Dr. Patricia Oliphant**

Dr. Oliphant informed the Board that she attended the State Wrestling Tournament recently held at Sussex Central High School. She noted that she received several favorable comments regarding the professional manner in which the tournament was held. She also thanked Mr. Layfield, Mr. Shultie, Mr. Dondarski, and the members of the Wrestling Boosters Association for their efforts in making this tournament a success.

## BOARD OF EDUCATION REGULAR MEETING MINUTES

February 27, 2007

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### Randall Hughes

#### Mr. Hughes

Mr. Hughes congratulated the Ferguson Scholarship recipients for their accomplishments. He also extended best of luck to the Odyssey of the Mind Teams in the tournament to be held this weekend.

### OLD BUSINESS

#### Major Capital Improvements

##### Progress Report

Mr. Weer gave the following progress reports:

#### Sussex Central High School

We are awaiting the report from EDiS on the roof leaks.

#### Indian River High School

We are also awaiting a report on the leaks at Indian River High School. The purchase order has been sent to Joseph Zimmer for the work on the ice storage tank, and we are awaiting a schedule for the work to begin.

#### Lord Baltimore Elementary School

The punch list work is essentially complete. The temporary boiler has been set up and is working. The new vault for the geo-thermal unit has been ordered.

#### Georgetown Middle School

A meeting is scheduled on February 28<sup>th</sup> with our engineers, mechanical contractors, and the Town of Georgetown to address the low water pressure in the building. There are still balancing issues that will also be addressed at this meeting. There are some issues with the electrical contractors and the cable TV system.

#### East Millsboro Elementary School

The counter tops are to be replaced during spring vacation. Minor punch list items are being addressed. There are a couple of issues with Delcard, but most of the electrical and mechanical punch list items are complete.

#### Millsboro Middle School

The mechanical, electrical, and plumbing rough-in work is moving forward. Boilers and chillers have been installed. Pipe testing is being done. The sprinkler contractor is a little behind schedule, and he has been put on notice to pick up the pace. Drywall and studs ceiling grids are going up. Structural steel is done on the second floor. Door frames are to be in next week. The elevator shaft is complete, awaiting the installation of power.

#### SDSA/IREC

The bid advertisements are out. There is a pre-bid meeting next week, and bids will be opened on March 22, 2007 at 3:00 p.m.

## BOARD OF EDUCATION REGULAR MEETING MINUTES

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### Phillip Showell Elementary School

At the Buildings & Grounds meeting, presentations were given on heating systems.

### Long Neck and Selbyville Middle School Roofing Projects

Specifications are complete and bids are going out on March 2, 2007. A pre-bid meeting will be held on March 13, and bids will be received on April 5, 2007.

### School Choice Applications

It was moved by Mr. Helms, seconded by Mrs. Mitchell, to approve the School Choice Applications as recommended. The motion passed unanimously (9-0).

### Legislative Dinner Packet Draft

A revised Legislative Dinner Packet was distributed for review. Dr. Bunting asked that Board members contact her within the next week with any additions to the draft packet.

### 2007-08 District Calendar Draft

It was moved by Mrs. Bunting, seconded by Dr. Oliphant, to approve the 2007-08 District Calendar as submitted. The motion passed unanimously (9-0).

## NEW BUSINESS

### DSTP 2006 Science & Social Studies Scores

Sandy Smith reviewed the 2006 DSTP Science and Social Studies scores with the Board. She noted that there are some discrepancies in the Grade 6 Social Studies scores and revisions may be made.

### Make-Up Day - February 7, 2007

President Bireley suggested that since there is a possibility for additional inclement weather days, discussion on the Make-up Day for February 7<sup>th</sup> be postponed until next month. It was moved by Mrs. Bunting, seconded by Dr. Hattier, to table discussion on the February 7<sup>th</sup> Make Up Day until next month. The motion passed unanimously (9-0).

## COMMITTEE REPORTS AND APPOINTMENTS

### Administrative Compensation Committee

There was no report.

### Athletic Fields Oversight Committee

There was no report.

BOARD OF EDUCATION REGULAR MEETING MINUTES  
February 27, 2007  
Page 5

Buildings & Grounds Committee

Mr. Helms reported that he was unable to attend the last Buildings & Grounds meeting. However, at that meeting, the following items were discussed:

Girls' Soccer at GMS

A request for the Sussex Central High School Girls' Soccer team to utilize the Georgetown Middle School field(s) was submitted to the Buildings & Grounds Committee should the field at Sussex Central High School be deemed unsafe to play on. It was noted that costs to maintain the Georgetown Middle School fields as well as the cost to transport students to and from Georgetown Middle School are issues to consider should this become necessary. However, at the present time, it appears as if the Sussex Central High School Girls' Soccer team will be able to play its games on the Sussex Central High School field.

GM Cafeteria Varnishing Change Order

Mr. Helms noted that the Buildings & Grounds Committee recommends approval of the proposal in the amount of \$10,206.25 to varnish the kitchen and cafeteria woodwork in the Georgetown Middle School Cafeteria to match the existing woodwork. It was moved by Mr. Helms, seconded by Mrs. Mitchell, to approve the recommendation of the Buildings & Grounds Committee. The motion passed unanimously (9-0).

North Georgetown Blue Ribbon Plaque

The Buildings & Grounds Committee recommends approval of the request to mount a plaque on the building recognizing North Georgetown Elementary School as a National Blue Ribbon School. It was moved by Mr. Helms, seconded by Dr. Oliphant, to approve the recommendation. The motion passed unanimously (9-0).

Security Instruments Proposal for MM and IREC

The Buildings & Grounds Committee recommended approval of the Security Instruments Proposal for Millsboro Middle School and IREC/SDSA. Mr. Miller noted that funds to cover the Security Instruments proposals would be taken from construction contingency and local monies appropriated for renovations. Mr. Helms, made a motion, seconded by Dr. Oliphant, to approve Security Instruments proposal for IREC/SDSA in the amount of \$62,895 and Security Instruments proposal for Millsboro Middle School in the amount of \$59,875. The motion passed unanimously (9-0).

Smartboard Electrical Change Order

The Buildings & Grounds Committee recommends approval of the H & A Electric Bid in the amount of \$9277 to install outlets in the classroom ceilings for the smartboards. It was moved by Mr. Helms, seconded by Mrs. Bunting, to approve the recommendation. The motion passed unanimously (9-0).



**BOARD OF EDUCATION REGULAR MEETING MINUTES**  
**February 27, 2007**  
**Page 6**

**Curriculum Committee**

Mrs. Bunting noted that the Curriculum Committee met on February 12, 2007. The following topics were discussed:

- Literacy Leaps – Superstars in Education runner-up
- ELL students
- IRSD as a pilot for HHPD program
- Progress of the diploma bill (HB 18)
- March 2<sup>nd</sup> Inservice
- 2006 DSTP Science & Social Studies scores
- District calendar

The next meeting will be held on March 13 at 5:30 p.m.

**DSBA Board of Directors Representative**

Mrs. Bunting reported that the February meeting was canceled. The next meeting of the DSBA Board of Directors will be held on March 14<sup>th</sup> prior to the DSBA clinic workshop.

**DSBA Legislative Committee**

Mr. Bireley reported that the February 28<sup>th</sup> DSBA Legislative Committee meeting has been cancelled.

**Finance Committee**

Mr. Hughes reported that the Finance Committee recommended that \$56,700 be allocated from the Band Uniform Account for the purchase of band uniforms (125 uniforms, 3 drum major uniforms, and 30 band front uniforms) for the Indian River High School Marching Band. It was moved by Mr. Hughes, seconded by Dr. Hattier, to approve the recommendation. The motion passed unanimously (9-0).

**Mary Bailey Scholarship Committee**

There was no report.

**Negotiations Committee**

It was moved by Mr. Helms, seconded by Mrs. Mitchell, to table discussion on Negotiations until Executive Session. The motion passed unanimously (9-0).

**Policy Committee**

Mrs. Mitchell reported that the Policy Committee met on February 23, 2007 at IREC. The following topics were discussed:

- High school graduation and diplomas
- Honor Roll and weighted GPA's
- Make-up opportunities (deferred until later)
- Student supervision at athletic events

The next Policy Committee Meeting will be held on March 7, 2007 at 5:30 p.m.



## BOARD OF EDUCATION REGULAR MEETING MINUTES

February 27, 2007

Page 7

### School Uniform Committee

Dr. Hattier reported that the School Uniform Committee was formed in September, 2006 for the purpose of identifying the following:

- 1) benefits that uniforms would bring to the Indian River School District
- 2) issues that would need to be dealt with should a school uniform policy be implemented
- 3) type of uniform - dress code versus strong uniform
- 4) how a school uniform policy would be implemented
- 5) distribution issues and suppliers
- 6) level of public support that would be available
- 7) legal issues that may arise
- 8) other issues

The first meeting of the School Uniform Committee was held on November 2, 2006. Advantages and disadvantages of implementing a school uniform policy were discussed. In January 2007, Dr. Kevin Carson from the Woodbridge School District shared information about Woodbridge's implementation of a school uniform policy. A survey/questionnaire was developed and sent home with our students in January. Out of 8100 surveys sent out, approximately 4500 were returned, which represented 55% participation. The survey revealed that 75% were in support of the implementation of school uniform, while 25% were against. The committee will move forward with developing a model uniform, as well as addressing timeline, supplier and legal issues. The next meeting will be held on March 8, 2007 at 7:00 p.m. at IREC.

### IREA Representative

There was no report.

## ADMINISTRATIVE REPORTS

### Dr. Bunting, Board Update

#### School Visits

Dr. Bunting reported that she has visited classrooms as well as participating in "I Love to Read Month" at several schools. She also attended basketball games, wrestling tournaments, the SDSA "Snow Biz" performance, and listened to original poetry at Sussex Central Middle School's "coffee house."

#### Curriculum Update

The Curriculum Update for the month of February was included in the Board Packet.

#### Support Services Update

The Support Services Update for the month of February was included in the Board Packet.

**BOARD OF EDUCATION REGULAR MEETING MINUTES**

February 27, 2007

Page 8

**Academic Achievement Banquets**

Dr. Bunting recommended that two Academic Achievement Banquets be held due to the number of students involved. Sussex Central High School's banquet will be held on May 15 as noted on the calendar, and Indian River's banquet will be held on May 17, 2007. It was moved by Mrs. Bunting, seconded by Mrs. Mitchell, to approve the recommendation. The motion passed unanimously (9-0).

**Sussex Central Middle School Dedication Date - May 3, 2007**

Dr. Bunting recommended that Sussex Central Middle School's Dedication be held on May 3, 2007. It was moved by Mrs. Bunting, seconded by Mrs. Mitchell, to approve the recommendation. The motion passed unanimously (9-0).

**Counselors Dinner**

Dr. Bunting and Tracy Hudson attended the Kent/Sussex County School Counselors' Dinner on February 7, 2007.

**Technology Awards Dinner**

Dr. Bunting reported that she attended a Technology Awards Dinner at which Judith Loeber, Sussex Central High School art teacher, was honored for receiving an Art through Technology award.

**Mid-Year Principal Conferences**

Dr. Bunting reported that she has been conducting mid-year conferences with principals and central office staff.

**FINANCIAL**

**Regular Invoices**

It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the payment of the Regular Invoices. The motion passed unanimously (9-0).

**Financial Summaries**

Mr. Miller reviewed the Financial Summaries for the month ending January 31, 2007.

**Major Cap Financial Summaries**

Mr. Miller reviewed the Major Capital Improvement Financial Summaries for the month ending January 31, 2007.

**Major Cap Change Orders**

Mr. Miller reviewed and recommended approval of the Major Cap Change Orders dated February 8, 2007 in the amount of \$228,707, and February 22, 2007 in the amount of \$68,664. It was moved by Dr. Hattier, seconded by Dr. Oliphant, to approve the Major Cap Change Orders as recommended. The motion passed unanimously (9-0).

**BOARD OF EDUCATION REGULAR MEETING MINUTES**

February 27, 2007

Page 9

**Major Cap Payment Voucher Authorizations**

Mr. Miller reviewed and recommended approval of the Major Cap Payment Voucher Authorizations dated February 8, 2007 in the amount of \$177,292, and February 22, 2007 in the amount of \$1,153,800. It was moved by Mr. Hughes, seconded by Dr. Hattier, to approve the Major Cap Payment Authorizations as recommended. The motion passed unanimously (9-0).

**Major Cap Final Payment Voucher Authorizations**

Mr. Miller recommended approval of the Major Cap Final Payment dated February 7, 2007 to John L. Briggs in the amount of \$42,634.53. It was moved by Dr. Oliphant, seconded by Mrs. Mitchell, to approve the Final Payment to John L. Briggs as recommended. The motion passed unanimously (9-0).

**Financial Position Report**

Mr. Miller reviewed and recommended approval of the Financial Position Report, noting that this report is a requirement under Section 1507, Title 14, Delaware Code. It was moved by Mrs. Mitchell, seconded by Mr. Hughes to approve the Financial Position Report. The motion passed unanimously (9-0).

**Governor's Proposed FY '08 Budget**

Mr. Miller shared highlights of the Governor's Proposed FY'08 Recommended Budget with the Board.

**COMMUNICATIONS**

**Use of Facilities**

Use of Dr. Lorraine Wray Aquatic Center and Lobby by Adult Education Class No. 1 – Sundays, February 4, 11, 18, 25, March 4, 11, 18, 25, and April 1, 2007 from 8:00 a.m. to 2:00 p.m.

Use of Dr. Lorraine Wray Aquatic Center and Lobby by Adult Education Class No. 2 – Sundays, February 25, March 4, 11, 18, 25, April 1, 2007 and week of April 9-14, 2007 from 8:00 a.m. to 2:00 p.m.

Use of Dr. Lorraine Wray Aquatic Center and Lobby by Adult Education Class No. 3 – Sundays, April 29, May 6, 13, 20, 27, 2007 from 8:00 a.m. to 2:00 p.m.

Use of Southern Delaware School of the Arts Cafeteria by St. John A.M.E. Church Women's Ministry - March 3, 2007 from 12:00 Noon to 4:00 p.m.

Use of Sussex Central High School Auditorium by Miss Delaware Organization – Saturday and Sunday, March 10 and 11, 2007 from 8:00 a.m. to 7:00 p.m.

Use of Indian River High School Gymnasium by Ocean View Church of Christ – Friday and Saturday, March 23 and 24, 2007 from 10:00 p.m. to 5:00 a.m.

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Use of Sussex Central Middle School Football Field by COPA Service General Soccer League – Sunday, February 18, 2007 from 10:00 a.m. to 5:00 p.m.

Use of North Georgetown Elementary School Classroom by Sussex County Democratic Party – March 1 and 14, 2007 from 6:00 – 8:00 p.m.

It was moved by Dr. Hattier, seconded by Mrs. Mitchell, to approve the eight Use of Facilities requests. The motion passed unanimously (9-0).

**Field Trips**

Overnight trip by Sussex Central High School JROTC – March 23-24, 2007 to Bethany Beach, DE

Dr. Bunting recommended approval of the field trip request. It was moved by Dr. Hattier, seconded by Mrs. Mitchell, to approve the field trip request. The motion passed unanimously (9-0).

**PERSONNEL**

Personnel Agenda, Personnel Addendum, Personnel No. 07-08 PER, Personnel No. 07-09 PER and Personnel No. 07-10 PER

It was moved by Mr. Helms, seconded by Mr. Hughes, to table Personnel Agenda, Personnel Addendum, Personnel No. 07-08 PER, Personnel No. 07-09 PER, and Personnel No. 07-10 PER until after Executive Session. The motion passed unanimously (9-0).

**PUBLIC COMMENTS**

**Christine Clark**

Ms. Clark expressed her opposition to the Indian River School District implementing a policy for school uniforms.

**Donna Meade**

Ms. Meade expressed her opposition to the Indian River School District implementing a policy for school uniforms.

**Stephen Taylor**

Mr. Taylor indicated that he was trying to understand the purpose behind the Indian River School District implementing a school uniform policy.

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**EXECUTIVE SESSION**

It was moved by Mrs. Bunting, seconded by Mrs. Mitchell, to go into Executive Session at 9:05 p.m. The motion passed unanimously (9-0).

- A. Personnel: To discuss matters pertaining to names, competencies and abilities of individual employees or students.
- B. Strategy Session: To discuss collective bargaining, pending or potential litigation.
- C. Hearing: To conduct a hearing regarding employee or student discipline or employee dismissal.
- D. Such other business as may properly be discussed in an executive session.

**RECONVENE**

It was moved by Mr. Hughes, seconded by Dr. Davis, to reconvene in Regular Session at 10:10 p.m. The motion passed unanimously (9-0).

**CONSIDERATION OF AGENDA ITEMS DEFERRED**

**Personnel Agenda and Personnel Addendum**

It was moved by Mr. Helms, seconded by Dr. Hattier, to approve the Personnel Agenda excluding the Assistant Boys' Baseball Coach at IRHS, the Head Girls' Tennis Coach at IRHS, and the Volunteer Assistant JV Baseball Coach at IRHS, and the Personnel Addendum including the Bus transfer from Harry Kitching to Glasco Transportation Services. The motion passed unanimously (9-0).

It was moved by Dr. Hattier, seconded by Mr. Hughes, to approve the Head Girls Tennis Coach at IRHS. The motion passed (8-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Dr. Davis, Dr. Hattier, Mr. Helms, Mr. Hughes, Mrs. Mitchell, Mr. Wilson  
Abstained: Dr. Oliphant

It was moved by Mr. Helms, seconded by Mrs. Bunting, to approve the Assistant Boys' Baseball Coach at IRHS and the Volunteer Assistant JV Baseball Coach at IRHS. The motion passed (8-0-1).

For the Motion: Mr. Bireley, Mrs. Bunting, Dr. Davis, Dr. Hattier, Mr. Helms, Mr. Hughes, Dr. Oliphant, Mr. Wilson  
Abstained: Mrs. Mitchell

**STUDENT HEARINGS**

**Student No. 07-25, Student No. 07-26, Student No. 07-27, Student No. 07-28, Student No. 07-29**

It was moved by Dr. Oliphant, seconded by Mrs. Bunting, to approve the Hearing Officers' Recommendations on Student No. 07-25, Student No. 07-26, Student No. 07-27, Student No. 07-28, and Student No. 07-29. The motion passed unanimously (9-0).

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**ADJOURNMENT**

It was moved by Dr. Oliphant, seconded by Mrs. Bunting, to adjourn the meeting at 10:20 p.m. The motion passed unanimously (9-0).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "S. Bunting", written in a cursive style.

Charles M. Bireley  
President  
Board of Education  
Indian River School District

Susan S. Bunting, Ed.D.  
Secretary and Superintendent  
Board of Education  
Indian River School District

CMB/SSB:jlh

**TAB 20**

Isaacs, Mark, Dr. (Video) 10/18/2006 1:36:00 PM

<p>1 IN THE UNITED STATES DISTRICT COURT  2 FOR THE DISTRICT OF DELAWARE  3 MONA DOBRICH and MARCO : C.A. No. 15-120 (J.  4 DOBRICH, individually and :  5 as parents and next friend :  6 of ALEXANDER DOBRICH, :  7 SAMANTHA DOBRICH, JANE DOE :  8 and JOHN DOE, individually :  9 and as parents and next :  10 friend of JORDAN DOE and :  11 JAMIE DOE, :  12 Plaintiffs, :  13 v. :  14 INDIAN RIVER SCHOOL :  15 DISTRICT, et al., :  16 Defendants. :  17 Videotaped Deposition of DR. MARK A. ISAACS  18 taken pursuant to notice, on Wednesday, October 18,  19 2006 at 1:36 p.m. at 31 Hosier Street, Selbyville,  20 Delaware, reported by Lorena J. Hartnett, a Registered  21 Professional Reporter and Notary Public.  22 APPEARANCES: :  23 THOMAS ALLINGHAM, ESQUIRE  24 RICHARD HORVATH, ESQUIRE  25 BRIAN LENHARD, ESQUIRE  26 One Rodney Square  27 Wilmington, DE 19801  28 Attorney for the Plaintiff  29  30 WILCOX &amp; FETZER  31 1330 King Street - Wilmington, DE 19801  32 (302) 655-0477  33 www.wilfet.com</p> <p style="text-align: center;">1</p>	<p>1  2  3  4 TABLE OF CONTENTS  5 TESTIMONY OF DR. MARK A. ISAACS:  6 Direct Examination by Mr. Allingham. .... 3  7 Certificate of Reporter ..... 73  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p> <p style="text-align: center;">3</p>
<p>1  2  3  4 APPEARANCES: (CONTINUED)  5 JARROD SHAU, ESQUIRE  6 Drinker, Biddle &amp; Reath, LLP  7 One Logan Square  8 18th and Cherry Streets  9 Philadelphia, PA 19103-6996  10 Attorney for the Defendants  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p> <p style="text-align: center;">2</p>	<p>1 VIDEOGRAPHER: This is the videotaped  2 deposition of Dr. Mark A. Isaacs, taken by  3 the plaintiff in the matter of Dobrich et  4 al. versus Indian River School District, et  5 al.. Civil Action Number 15-120. The  6 deposition is taking place at 31 Hosier  7 Boulevard in Selbyville, Delaware, on  8 October 18, 2006 at approximately 1:36 p.m.  9 The court reporter is Lorena Hartnett  10 from the firm of Wilcox &amp; Fetzer. My name  11 is Mark Buckmaster, a video specialist from  12 Discovery Video Services Incorporated in  13 association with Wilcox &amp; Fetzer. Counsel  14 will now introduce themselves and the  15 reporter will swear in the witness.  16 MR. ALLINGHAM: Tom Allingham  17 representing the plaintiffs. With me is  18 Brian Lenhard and Richard Horvath.  19 MR. SHAU: Jarrod Shau representing  20 the defendants.  21 DR. MARK A. ISAACS,  22 HAVING FIRST BEEN DULY SWORN, TESTIFIED AS  23 DIRECT EXAMINATION ON BEHALF OF THE PLAIN  24 BY MR. ALLINGHAM:</p> <p style="text-align: center;">4</p>



Isaacs, Mark, Dr. (Video) 10/18/2006 1:36:00 PM

<p>1 there is no dialogue that takes place between the 2 board. 3 Q. Fair enough, so that the public spoke about 4 this issue? 5 A. Yes. 6 Q. But the board members did not deliberate on 7 the issue in public; is that correct? 8 A. Right, correct. 9 Q. And the board members did not deliberate on 10 the actual board policy in public; correct? 11 A. Not that I recall. 12 Q. Do you recall that the board ever considered 13 the possibility of opening its meetings only with a 14 moment of silence, not a prayer? 15 A. I know that that was my suggestion. 16 Q. And was that a suggestion that you made in a 17 board meeting? 18 A. Yes. I think it was. 19 Q. Do you know at which board meeting you made 20 that suggestion? 21 A. No. 22 Q. Why did you make that suggestion? 23 A. That's my personal belief. 24 Q. Did you believe that a moment of silence</p> <p style="text-align: center;">61</p>	<p>1 the -- Let me back up one second. After the policy 2 was adopted, it became the practice of the board to 3 read a disclaimer before the prayer was given; 4 correct? 5 A. Yes. 6 Q. At anytime after the policy was adopted, did 7 you see anyone upon hearing the disclaimer get up and 8 leave the room during the prayer? 9 A. Honestly, I never paid any attention. I was 10 reading. 11 Q. Working on board business? 12 A. Yes. 13 Q. Let me ask you a question about your 14 perception. Do you think it would be a difficult 15 thing for a student to get up and leave the board 16 meeting during the reading of the prayer? 17 A. I guess it depends on the student. 18 Q. Can you imagine that it would be -- Can you 19 imagine that a student would fear that that would 20 identify the student as a person who doesn't practice 21 a religion? 22 A. Not necessarily, because one could get up and 23 leave saying they had to use the restroom, so you 24 didn't always have to tack it to, unless you were</p> <p style="text-align: center;">63</p>
<p>1 would be effective to solemnify the proceedings? 2 A. Yes, I do. 3 Q. What was the response, if any, of the board 4 members to your suggestion? 5 A. It was heard. 6 Q. Did anybody say in words or substance, "That 7 suggestion is not acceptable to me"? 8 A. No, no, no. There wasn't a vote taken or 9 anything like that. 10 Q. No, sir, this is in the discussion of ideas 11 at the board meeting. 12 A. No. 13 Q. You offered the idea of maybe we could open 14 the meeting with a moment of silence? 15 A. Right. The only thing I would say is the 16 others said, "Well, I should have the right to do it 17 however I would like to do it, however I would like to 18 pray, it's my freedom of speech." I do recall that. 19 Q. And so the incorporation of not only a moment 20 of silence but also a prayer in the policy was 21 intended to preserve those board members' individual 22 freedoms of speech? 23 A. Yes. 24 Q. Did you ever see anybody leave the room when</p> <p style="text-align: center;">62</p>	<p>1 there on every single board meeting, so I would say 2 there are mechanisms to get up and leave a board 3 meeting that you don't have to tack a particular 4 clause to it. There is plenty of opportunities to get 5 up. 6 Q. So you would agree with me that the 7 perception, if no explanation were offered of someone 8 who hearsay the disclaimer and gets up and leaves, 9 would be that that person affirmatively did not want 10 to participate in the prayer; correct? 11 A. Well, no, not necessarily. They could get up 12 to go to the restroom or something like that. You 13 know, I -- I mean if it was the same person over and 14 over again, then maybe yes, yes, but that particular 15 board meeting, no. I mean we have people getting up 16 and going out all the time, so. 17 Q. During the prayer? 18 A. Coming in the during, people come in. 19 Q. We talked earlier about the color guard 20 folks, the Junior ROTC kids? 21 A. Yes. 22 Q. Realistically speaking, as a practical 23 matter, if they don't want to participate in the 24 prayer, they can't leave; correct?</p> <p style="text-align: center;">64</p>

**TAB 21**

Hughes, Randall (Video) 10/16/2006 12:00:00 PM

<p>1 IN THE UNITED STATES DISTRICT COURT  2 IN AND FOR THE DISTRICT OF DELAWARE  3 MONA DOBRICH and MARCO : Case No. 15-120 (JJF)  DOBRICH, Individually and :  4 as parents and next friend :  of ALEXANDER DOBRICH, :  5 SAMANTHA DOBRICH, JANE DOE :  and JOHN DOE, Individually :  6 and as parents and next :  friend of JORDAN DOE and :  7 JAMIE DOE, :  8 Plaintiffs, :  9 v. :  10 INDIAN RIVER SCHOOL :  DISTRICT, et al., :  11 Defendants. :  12 .....  13 Video Deposition of RANDALL HUGHES, taken  pursuant to notice, on Monday, October 16, 2006  14 at 2:40 p.m. at 31 Hosier Street, Selbyville,  Delaware, reported by Lorena J. Hartnett, a Registered  15 Professional Reporter and Notary Public.  16 .....  17 APPEARANCES:  18 THOMAS ALLINGHAM, ESQUIRE  RICHARD HORVATH, ESQUIRE  19 One Rodney Square  Wilmington, DE 19801  20 Attorneys for the Plaintiff  21  22 WILCOX &amp; FETZER  23 1330 King Street - Wilmington, DE 19801  24 (302) 655-0477</p>	<p>1  2  3 TABLE OF CONTENTS  4 TESTIMONY OF RANDALL HUGHES:  5 Direct Examination by Mr. Horvath ..... 4  6 Certificate of Reporter ..... 96  7  8  9 INDEX TO EXHIBITS  10 Plaintiff's Exhibit 56 ..... 15  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>
<p>1 APPEARANCES (CONTINUED):  2  3 JASON P. GOSSELIN, ESQUIRE  Drinker, Biddle &amp; Reath, LLP  4 One Logan Square  18th and Cherry Streets  Philadelphia, PA 19103-6996  5 Attorney for the Defendants  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>	<p>1 (The videographer read the  2 introduction, and the attorneys introduced  3 themselves.)  4 RANDALL HUGHES,  5 HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:  6 DIRECT EXAMINATION ON BEHALF OF THE PLAINTIFF  7 BY MR. HORVATH:  8 Q. Good afternoon. Have you ever been deposed  9 before?  10 A. Yes.  11 Q. When?  12 A. The last time was in December of 2005.  13 Q. How many times have you been deposed?  14 A. Ten or so, perhaps.  15 Q. What were the natures of the actions?  16 A. Mostly traffic-related accidents, civil  17 suits, in those regards. Also, the latest was in a  18 lawsuit filed against the State Police I did for my  19 workplace.  20 Q. Have you ever testified at trial?  21 A. Yes.  22 Q. How many times have you testified at trial?  23 A. Many, many, many times.  24 Q. And were these the same cases that you</p>

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<p style="text-align: right;">29</p> <p>1 Q. When you joined the board, did you go through 2 an orientation process? 3 A. Yes. 4 Q. What was involved in that? 5 A. I was coming here, meeting with Mrs. Hobbs 6 and her staff at the time, to include Dr. Owens, 7 personnel; Mr. Miller, the business manager; 8 Mr. Hudson with Student Services; Mr. Savage; and 9 several other -- I say several other. A few other 10 department heads were here talking about their 11 functions and how they worked in this organization 12 and, you know, what they brought into the total 13 organization. 14 Q. Did you meet with any board members during 15 the orientation? 16 A. Outside of board meetings, no. 17 Q. Did you speak with any board members outside 18 of board meetings if you didn't meet face to face with 19 them? 20 A. I know that I talked to Mr. Bireley the night 21 that he told me that I was going to be sworn in. 22 Outside of that, having other conversations -- I may 23 have had a conversation with Mr. Bireley. I am trying 24 to think if there would have been any others.</p>	<p style="text-align: right;">31</p> <p>1 the orientation as to what my thoughts were on local 2 government and the school board prior to. 3 I see the school board as a legislative body 4 or a policy making body. Now, when that happened 5 exactly, I don't know if it -- I don't think it was 6 just because of the orientation. I think that was 7 prior to. 8 Q. So you think it happened at least either at 9 or before the orientation that you went through when 10 you were joining the board? 11 A. Like I say, I believe that's just a belief 12 that I have. I believe that a school board is your 13 truest form of local government. 14 Q. How did you come to that belief? And in 15 terms, let me clarify, how did you come to the belief 16 that the school board acts as a legislative body? 17 A. Spending taxpayer money, or allocating that 18 money to be spent. Also educating the children, 19 establishing policies for educating our children seems 20 to me to be kinds of things that a legislative body, 21 if you will, do. 22 Q. Since you joined the board, have you seen the 23 board engage in any activities that makes you -- 24 Strike that.</p>
<p style="text-align: right;">30</p> <p>1 Dr. Isaacs and I talked, but not so much 2 about board. We had some other, some State Police and 3 U of D business to take care of, but it really wasn't 4 about the board. 5 So maybe Mr. Bireley a bit about just the 6 next board meeting and the committee meetings, being 7 able to attend committee meetings if I chose to do 8 that. 9 Q. During your orientation, did anyone discuss 10 with you your responsibilities as a board member? 11 A. Oh, we talked about confidentiality with 12 personnel matters. As the board, things come to the 13 board for recommendation for a vote, any money to be 14 expended. Yeah, we did talk about some of those 15 responsibilities. The biggest thing was 16 confidentiality. 17 Q. Did anyone discuss with you the scope of your 18 authority as a board member? 19 A. No, I don't recall anyone talking to me about 20 that, and I am pretty sure I didn't ask. 21 Q. During your orientation, did you draw any 22 conclusions as to whether or not the board acts as a 23 legislative body? 24 A. I am not so sure I drew that conclusion from</p>	<p style="text-align: right;">32</p> <p>1 Since you joined the board, have you seen the 2 board engage in any activities outside of the setting 3 of policy or the spending of taxpayer funds? 4 A. I am not so sure I understand the question. 5 Q. Am I correct that you believe the board is a 6 legislative body because it sets policies and spends, 7 or allocates taxpayer money? 8 A. Yes. 9 Q. Since you joined the board, have you seen it 10 engage in any activities that fall outside of those 11 two categories? 12 A. We make policy; we spend money; some 13 decisions are made as to some curriculum type things, 14 the type of curriculum. Again, that comes down to as 15 a policy type thing for the district. Sir, I believe 16 that that would hold. I still believe that to be the 17 case. 18 Q. Has the board held any disciplinary hearings 19 for students? 20 A. Yes. 21 Q. Has the board made any decisions about hiring 22 or firing district employees? 23 A. Yes. 24 Q. Are these decisions made on a case-by-case</p>

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<p>33</p> <p>1 basis?</p> <p>2 A. They are individual hearings --</p> <p>3 Q. Uh-huh.</p> <p>4 A. -- that could come before the board, so in</p> <p>5 that case I guess it would be case by case.</p> <p>6 Q. Do you believe that in the case of</p> <p>7 disciplinary hearings for students, does that involve</p> <p>8 the setting of policy?</p> <p>9 A. It could be adhering to already established</p> <p>10 policy, so it wouldn't necessarily be setting new</p> <p>11 policy. Hopefully, if you are meeting out, if you</p> <p>12 would, discipline, that there is some process for</p> <p>13 which that takes place.</p> <p>14 Q. Would you -- You said meeting out policy?</p> <p>15 A. Media? I'm sorry?</p> <p>16 Q. You said meeting out policy.</p> <p>17 MR. GOSSELIN: He said meeting out</p> <p>18 discipline.</p> <p>19 BY MR. HORVATH:</p> <p>20 Q. Oh, meeting out discipline, sorry. What do</p> <p>21 you mean by that?</p> <p>22 A. If a decision or a judgment, if you will, is</p> <p>23 going to be made that could discipline in its negative</p> <p>24 form, could impact, negatively impact someone, the</p>	<p>35</p> <p>1 A. (Nodding head)</p> <p>2 Q. Have you had a disciplinary hearing that did</p> <p>3 not involve?</p> <p>4 A. That did not involve?</p> <p>5 Q. The expenditure of taxpayer money?</p> <p>6 A. Sir, I believe potentially they all could</p> <p>7 have an impact on taxpayer money.</p> <p>8 Q. Have students attended school board meetings</p> <p>9 who are subject to a disciplinary hearing since you</p> <p>10 have joined the board?</p> <p>11 A. Sir, are you asking that at a student hearing</p> <p>12 has the student been there?</p> <p>13 Q. Yes.</p> <p>14 A. Since I have been -- in that hearing, itself?</p> <p>15 Q. Uh-huh.</p> <p>16 A. Held in executive session?</p> <p>17 Q. Yes.</p> <p>18 A. No, sir, I don't believe so since I have been</p> <p>19 on the school board.</p> <p>20 Q. Has a student ever requested to address the</p> <p>21 board about a disciplinary hearing?</p> <p>22 A. Not that I can recall.</p> <p>23 Q. Am I correct that since you have joined the</p> <p>24 school board you have seen students at school board</p>
<p>34</p> <p>1 board, through that process of the disciplinary</p> <p>2 hearing, if you will, that could be done.</p> <p>3 Q. Do you see that disciplinary process as being</p> <p>4 legislative in nature?</p> <p>5 A. Again, I am not so sure how to exactly answer</p> <p>6 your question.</p> <p>7 Q. Does it involve the actual setting of policy?</p> <p>8 A. It is following established policy.</p> <p>9 Q. So it's enforcing?</p> <p>10 A. Yes, sir.</p> <p>11 Q. But not making new policy?</p> <p>12 A. No, not making new policy on that particular</p> <p>13 one incident at that case, no, sir.</p> <p>14 Q. Does it involve the allocation of taxpayer</p> <p>15 money?</p> <p>16 A. It could involve the allocation of taxpayer</p> <p>17 money if something has been inappropriately done and</p> <p>18 if taxpayer money is not spent wisely.</p> <p>19 Q. In the case of student discipline?</p> <p>20 A. As to some of our practices for keeping</p> <p>21 orderly schools, safe schools, there are some</p> <p>22 expenditures made to ensure that we have those</p> <p>23 organizations.</p> <p>24 Q. You said it could?</p>	<p>36</p> <p>1 meetings?</p> <p>2 A. Yes, that is correct.</p> <p>3 Q. Have you seen a student at every school board</p> <p>4 meeting during the school year?</p> <p>5 A. I believe that is correct, because normally</p> <p>6 the high school that we are in, the student council</p> <p>7 president will give an update on that school. Now,</p> <p>8 the minutes would reflect if that has been done, but</p> <p>9 normally that is the practice.</p> <p>10 Q. Have you seen Junior ROTC students --</p> <p>11 A. Yes.</p> <p>12 Q. -- present colors at those meetings?</p> <p>13 A. I'm sorry, yes, I have.</p> <p>14 Q. Have students received awards at those</p> <p>15 meetings?</p> <p>16 A. Yes, they have.</p> <p>17 Q. Have students addressed the board about any</p> <p>18 concerns they might have with their schools at those</p> <p>19 meetings?</p> <p>20 A. Students have addressed the board. Sitting</p> <p>21 here now, I can't tell you exactly what their concerns</p> <p>22 were at the time. I don't know if it was particularly</p> <p>23 to a specific school or to some other issue, but</p> <p>24 students have addressed the board.</p>



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<p style="text-align: right;">49</p> <p>1 also, could also be in attendance while the prayer is</p> <p>2 being read?</p> <p>3 A. That's correct.</p> <p>4 Q. So for those individuals to not be a part of</p> <p>5 the prayer, what do they have to do, or to not -- Let</p> <p>6 me correct that. What would a school employee,</p> <p>7 student in attendance, or a member of the community</p> <p>8 have to do to not be a recipient of the prayer?</p> <p>9 A. I am not sure exactly how I answer this</p> <p>10 question other than to say don't participate, don't</p> <p>11 think about, you know, the words that are being said,</p> <p>12 don't listen. There is a big difference between</p> <p>13 hearing and listening. I am not exactly sure how to</p> <p>14 answer the question.</p> <p>15 Q. Do you feel they should sit silently and not</p> <p>16 do anything while the prayer is being read?</p> <p>17 A. I am not necessarily saying that they have to</p> <p>18 sit silently. I would hope that they wouldn't be,</p> <p>19 discourage or loud or obnoxious. I am not saying they</p> <p>20 have to sit silently.</p> <p>21 Q. Do you think they could leave the meeting?</p> <p>22 A. Yes.</p> <p>23 Q. When would they know they should leave the</p> <p>24 meeting in order to avoid hearing the prayer?</p>	<p style="text-align: right;">51</p> <p>1 freedom of conscience of the individual adult board</p> <p>2 member. Such prayer is voluntary and is among only</p> <p>3 the adult members of the board. No school employee,</p> <p>4 student in attendance, or member of the community in</p> <p>5 attendance shall be required to participate in any</p> <p>6 such prayer or moment of silence."</p> <p>7 I think that took me about 20 seconds to</p> <p>8 read. Do you think 20 seconds is enough time for</p> <p>9 someone to be able to gather their things, get up and</p> <p>10 leave the meeting in order to avoid hearing the</p> <p>11 prayer?</p> <p>12 A. Twenty seconds is a very relative term,</p> <p>13 depending on what you were doing. Do I think they</p> <p>14 would have to sprint in order to leave? No, not</p> <p>15 necessarily. A leisurely pace? No, I don't think it</p> <p>16 would be that, so it's going to fall somewhere in</p> <p>17 there. So 20 seconds could be a very long time, and</p> <p>18 other times it can be a very short time. Again, it's</p> <p>19 all -- It's relevant:</p> <p>20 Q. And if they were to leave the meeting, would</p> <p>21 they have to travel a little bit farther to avoid</p> <p>22 being able to hear the prayer, or would they just be</p> <p>23 stepping outside?</p> <p>24 A. I don't think that -- I know that there are</p>
<p style="text-align: right;">50</p> <p>1 A. I think we established that this was read</p> <p>2 prior to, so perhaps that would be a time that they</p> <p>3 chose to leave.</p> <p>4 Q. And about where in that process do you think</p> <p>5 they should know that they need to leave the meeting?</p> <p>6 A. Well, in the very first sentence, the second</p> <p>7 clause, that's where it talks about opens its meetings</p> <p>8 with prayer. That would be a hint.</p> <p>9 Q. About how long does it take -- I'm sorry, you</p> <p>10 were going to say something?</p> <p>11 A. No. I can go further and answer you there is</p> <p>12 more clues.</p> <p>13 Q. Well, at the very earliest you feel it would</p> <p>14 be when the board president states, "The Board of</p> <p>15 Education may choose to open its meetings with a</p> <p>16 prayer."</p> <p>17 A. Yes, sir.</p> <p>18 Q. How long does it take to read paragraph one</p> <p>19 and four?</p> <p>20 A. I have never timed it.</p> <p>21 Q. I will just try to read it at a normal pace.</p> <p>22 "In order to solemnify its proceedings, the Board of</p> <p>23 Education may choose to open its meetings with a</p> <p>24 prayer or a moment of silence, all in accord with the</p>	<p style="text-align: right;">52</p> <p>1 microphones on the table, but I don't believe that the</p> <p>2 voice or that audio is fed outside of the room that we</p> <p>3 are in, so I assume it would be just stepping outside</p> <p>4 of the room.</p> <p>5 Q. Well, do the microphones feed the audio</p> <p>6 through speakers?</p> <p>7 A. Yes, there are speakers there.</p> <p>8 Q. So the sound that the board members make or</p> <p>9 what the board members say at the meeting is amplified</p> <p>10 for the audience?</p> <p>11 A. Yes, sir.</p> <p>12 Q. So could that make the what they say project</p> <p>13 farther than if they were to speak without the</p> <p>14 microphones?</p> <p>15 A. Yes, that would be the intended purpose.</p> <p>16 Q. Okay. So is it possible that to avoid</p> <p>17 hearing a prayer someone might have to travel farther,</p> <p>18 even if the sound isn't pumped outside of the</p> <p>19 auditorium?</p> <p>20 A. Yes, it is possible.</p> <p>21 Q. How would someone know that the prayer has</p> <p>22 ended?</p> <p>23 A. I don't know. If they were not in --</p> <p>24 Q. If they were not in --</p>

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<p>69</p> <p>1 MR. GOSSELIN: Do you have an extra</p> <p>2 copy?</p> <p>3 MR. HORVATH: I do.</p> <p>4 BY MR. HORVATH:</p> <p>5 Q. Have you ever seen this document before?</p> <p>6 A. I need to --</p> <p>7 Q. Okay.</p> <p>8 A. The answer is I am not sure if I have read</p> <p>9 this before or not. I have read a couple things on</p> <p>10 ethics and integrity by the I think Ethics and</p> <p>11 Integrity Commission after being elected. So I am not</p> <p>12 sure if it was this exact document, but it seems</p> <p>13 familiar to me.</p> <p>14 Q. To be clear, in the upper right hand corner</p> <p>15 there are three letters, BDF?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Do you know what those letters might signify?</p> <p>18 A. No, sir, I do not.</p> <p>19 Q. Have you ever received any copies of board</p> <p>20 policies or policies that pertain to board</p> <p>21 governments?</p> <p>22 A. Yes, sir, I have.</p> <p>23 Q. And do those policies start with the letter</p> <p>24 B?</p>	<p>71</p> <p>1 self interests?</p> <p>2 A. Yes, it does.</p> <p>3 Q. So, with the first paragraph that we read and</p> <p>4 the last paragraph that we read, should the board, do</p> <p>5 you feel that it's now appropriate for the board to</p> <p>6 pass policies that are for the benefit of the board</p> <p>7 member's individual constitutional rights?</p> <p>8 A. Yes, I do, and the reason why --</p> <p>9 Q. I was going to say --</p> <p>10 A. You want to ask me first? Okay. I read that</p> <p>11 first paragraph on the second page as not to bring or</p> <p>12 bear influence upon any educational decisions that may</p> <p>13 be made by staff or superintendents to benefit me</p> <p>14 personally or a friend or a family member. That's how</p> <p>15 I read that paragraph.</p> <p>16 Q. But I think you had stated before that it is</p> <p>17 an appropriate exercise of a board member's authority</p> <p>18 to pass a policy that protects their own individual</p> <p>19 constitutional rights?</p> <p>20 A. As I said, because of future boards, as well.</p> <p>21 Protecting constitutional rights is for all of us to</p> <p>22 do.</p> <p>23 Q. And what the board perceives as their own</p> <p>24 individual rights that don't apply to anyone else in</p>
<p>70</p> <p>1 A. When I receive those, I read the verbiage,</p> <p>2 and I have not looked for that, but I bet when I go</p> <p>3 home I will look and see if they are on there or they</p> <p>4 will be.</p> <p>5 Q. I am going to represent that this is a copy</p> <p>6 of the school board's, school board member ethics</p> <p>7 policy. Under number one on the first page, the third</p> <p>8 paragraph down, it states that, "The public expects my</p> <p>9 first and greatest concern to be in the best interests</p> <p>10 of each and every one of these young people without</p> <p>11 distinction as to who they are or what their</p> <p>12 background may be."</p> <p>13 To be clear, does this paragraph state that</p> <p>14 the board, a board member's primary concern should be</p> <p>15 the students of the district?</p> <p>16 A. Yes, it does.</p> <p>17 Q. And on the second page, the third paragraph</p> <p>18 down, it says, "To resist every temptation and outside</p> <p>19 pressure to use my position as a school board member</p> <p>20 to benefit either myself or any other individual or</p> <p>21 agency apart from the total interest of the school</p> <p>22 district."</p> <p>23 Does that paragraph suggest to you that board</p> <p>24 members should not operate out of their own individual</p>	<p>72</p> <p>1 the district?</p> <p>2 A. To future boards, yes.</p> <p>3 Q. Outside of the board?</p> <p>4 A. Protecting a constitutional right is</p> <p>5 everyone's responsibility.</p> <p>6 Q. I am going to read to you four prayers. I am</p> <p>7 going to want your opinion as to whether or not those</p> <p>8 prayers violate the policy.</p> <p>9 The first prayer, "Lord, I pray that you</p> <p>10 correct the heathens before me now to the truth that</p> <p>11 comes by knowing you." Oh, I'm sorry, I misread it.</p> <p>12 "Lord, I pray that you convert the heathens before me</p> <p>13 now to the truth that comes by knowing you."</p> <p>14 A. Yes, I believe that that -- Again, I am</p> <p>15 basing this on is that a part of or is that the sole?</p> <p>16 That's it, period? Based on those exact words you</p> <p>17 just said, yes, that could be a conflict.</p> <p>18 Q. And why would it be in conflict with policy?</p> <p>19 A. I looked at paragraph number three. It's</p> <p>20 kind of mean.</p> <p>21 Q. It's kind of mean?</p> <p>22 A. Kind of mean when you are saying that.</p> <p>23 Q. What's mean about it?</p> <p>24 A. You are referring to someone as a heathen.</p>

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<p style="text-align: right;">73</p> <p>1 Q. Is there -- Suppose it wasn't heathen, it was 2 just "the individuals in front of me." 3 A. Again, read it without the heathen. 4 Q. "Lord, I pray that you convert the people 5 before me to the truth that comes by knowing you." 6 A. Certainly the word convert. 7 Q. So it's a combination of both heathens and 8 convert that you find problematic? 9 A. Uh-huh. 10 Q. And each one individually would pose a 11 problem? 12 A. Yes, sir, I believe so. 13 Q. I am going to hand you what has been 14 previously marked as PX35, which reads, "Do not put 15 your trust in princes and mortal men who cannot even 16 save themselves. When their spirit departs, they 17 return to the ground. On that very day, their plans 18 come to nothing. Blessed is he whose help is the God 19 of Jacob, whose hope is in the Lord his God, the maker 20 of heaven and earth, the sea and everything in them, 21 the Lord who remains faithful forever. He upholds the 22 cause of the oppressed and gives food to the hungry. 23 The Lord sets prisoners free. The Lord gives sight to 24 the blind. The Lord lifts up those who are bowed</p>	<p style="text-align: right;">75</p> <p>1 trying to espouse my views forcefully onto someone 2 else. 3 Q. Do you believe that the last sentence of the 4 prayer is not proselytizing? 5 A. No, I do not. 6 Q. How do you think you would respond to this 7 prayer if you were not a Christian? 8 A. Mr. Horvath, that's very difficult to answer. 9 I would probably rely back on the very first thing 10 that I said, did I find it offensive. No, I did not. 11 Q. If you were not a Christian and you heard, 12 "For the wages of sin is death but the gift of God is 13 eternal life through Jesus Christ our Lord," do you 14 think you would find that offensive? 15 A. In the spirit or in the tone in which you 16 read this, I did not find it offensive, and I don't -- 17 It's hard for me to answer that question other than to 18 say I did not find it offensive. 19 Q. Do you think your personal faith as a 20 Christian might impact your views on whether this 21 particular prayer is proselytizing? 22 A. Yes, sir, I am sure that it does. 23 Q. To put a variation on this, suppose the last 24 sentence read, "For the wages of sin is death, but the</p>
<p style="text-align: right;">74</p> <p>1 down. The Lord loves the righteous. The Lord watches 2 over the alien and sustains the fatherless and the 3 widow, but he frustrates the ways of the wicked. For 4 the wages of sin is death, but the gift of God is 5 eternal life through Jesus Christ our Lord." 6 Do you believe that this prayer would be 7 permissible under the policy? 8 A. Yes, sir. 9 Q. How did you make that determination? 10 A. I did not find it offensive. 11 Q. Is that the touchstone you use for whether or 12 not a prayer violates the policy, whether or not you 13 find it offensive? 14 A. I don't see -- Yes, that's the first thing I 15 am going to rely on, how do I perceive that. I do not 16 find it offensive. I don't see where it's violating 17 number three of the policy, paragraph number three. 18 Q. I take it you do not view the prayer in PX35 19 as proselytizing? 20 A. Which one is that? 21 Q. The one I just handed you? 22 A. No, sir, I don't. 23 Q. What does proselytizing mean to you? 24 A. Again, to me it's preaching or negative,</p>	<p style="text-align: right;">76</p> <p>1 gift of Allah is eternal life through his prophet 2 Muhammed." 3 A. Again, I do not find that offensive. There 4 are more people in this world than I. 5 Q. Uh-huh. 6 A. And, as I said, my religion is very 7 individual, very personal, and other people may find 8 their religion that way, as well, and I don't find it 9 offensive. I wouldn't find it offensive if you insert 10 any other deity that you like. 11 Q. I have another prayer. This has been 12 previously marked PX45. "Heavenly Father, thank you 13 for this great occasion, for the work, the effort, the 14 joys and everything that led up to this point in time. 15 Thank you for your guidance in this event. We pray 16 for your direction in the lives of each of these 17 school board members. We pray that you direct them 18 into the truth and eventually the truth that comes by 19 knowing Jesus. We also pray that you would be with 20 them at this time. We ask these things in Jesus's 21 name. Amen." 22 Do you believe that this prayer would violate 23 paragraph three of the policy? 24 A. No.</p>

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<p>85</p> <p>1 A. Yes, I received lots of questions from a lot 2 of different local newspapers. One of the questions a 3 lot of times did deal with the prayer issue and my 4 feelings. Since I had already been appointed to the 5 board and I was operating under the gag order, my 6 response was, "Pending litigation, I am just not at 7 liberty to discuss that." 8 Q. Did anyone from the public ask you about 9 board prayer? 10 A. If they did, my answer was, "There is a gag 11 order, pending litigation, we can't talk about that." 12 I don't have that many -- There was no campaign -- 13 There was no stump speeches made or anything like 14 that. 15 Just you might see someone in the supermarket 16 and talk to them about some school board issues, but I 17 don't recall that being a very specific question asked 18 to me. 19 Q. Do you think it's understood by the public 20 that you support board prayer? 21 A. No, I wouldn't necessarily say that that's 22 understood. And are you implying that I do support 23 school prayer? 24 Q. Okay, maybe I will --</p>	<p>87</p> <p>1 was a bit misinformed. 2 Q. You refer to the gag order. This gag order 3 didn't prevent you from telling your constituents 4 whether or not you supported board prayer? Did you 5 tell constituents that the gag order prevented you 6 from -- 7 A. Yeah, my answers that I put out to the 8 newspapers were that I didn't want to discuss that 9 topic or I couldn't discuss that because of pending 10 litigation. 11 Q. Let's go back to your opponent. Am I 12 correct, at the very least, that the perception became 13 that he opposed board prayer? 14 A. Yeah, I believe think that would be -- 15 Q. And that was an accurate representation -- 16 I'm sorry, I guess I should have let you finish. 17 A. Yes. 18 Q. And was that an accurate representation of 19 what you understood his position to be? 20 A. Yes. 21 Q. Do you believe that affected the campaign? 22 A. My opponent had some, quite a few different 23 ideas. I am not so sure that one particular answer 24 that he gave led to his demise. I am not so sure.</p>
<p>86</p> <p>1 MR. GOSSELIN: He said board prayer. 2 THE WITNESS: Oh, board prayer? 3 MR. HORVATH: Yeah. 4 THE WITNESS: Oh, okay. 5 MR. GOSSELIN: You mean the policy. 6 MR. HORVATH: Yes. 7 MR. GOSSELIN: This policy here. 8 THE WITNESS: Okay. Okay. 9 BY MR. HORVATH: 10 Q. So, to be clear on this, do you think the 11 public understands you to support policy BDA.1 in the 12 board's prayer practice? 13 A. Probably. 14 Q. And do you think they understood that during 15 the election? 16 A. I am not -- I don't know. I didn't -- Like I 17 said, when it came to any talk about the litigation, I 18 didn't say a word about it. 19 Q. Do you know what your opponent's view on 20 board prayer was? 21 A. Yes, he was to stop board prayer, stop -- It 22 was kind of a bit skewed in that it was drawn out to 23 include school prayer, prayer in school, took on a 24 whole different light. I think perhaps the gentleman</p>	<p>88</p> <p>1 Q. Did anyone from the community tell you that 2 they were not going to vote for him because he opposed 3 board prayer? 4 A. I don't recall. Well, people who supported 5 me said, "I am going to vote for you." They didn't 6 say, "I am going to vote for you because of X, Y or 7 Z." 8 Q. Did anyone say they were going to vote for 9 you because you supported board prayer? 10 A. No, I don't recall having that conversation 11 with anyone. 12 Q. Do you believe that someone could get, in the 13 2006 election, do you believe that anyone could have 14 been elected to the board who openly opposed board 15 prayer? 16 A. If you articulate your point of view and some 17 of the reasons behind it, perhaps, yes. 18 Q. Has anyone told you that they see this case 19 as about protecting Christian values? 20 A. Yes, I have heard that. Have they told me 21 that? I don't -- I have not been told that, but I 22 have kind of heard. Again, that's like supermarket or 23 Wawa coffee stand talk sometimes. You kind of hear 24 these kinds of things.</p>

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<p>89</p> <p>1 Q. Have these things been told to you, or did 2 you overhear it?</p> <p>3 A. Well, if I heard it, then it was told to me. 4 But, again, it wasn't someone grabbing me by the shirt 5 collar and saying, "This is about maintaining 6 Christian values and beliefs."</p> <p>7 Q. Did anyone say that the board's prayer 8 practice, itself, was about protecting Christian 9 values?</p> <p>10 A. I don't recall that, that terminology being 11 used.</p> <p>12 Q. Do you think people understand this case as 13 involving the board prayer policy?</p> <p>14 A. To be perfectly honest with you, I think 15 there is a lot of misinformation. A lot of people are 16 out there and don't have all the information from 17 which to make a decision on this. Shortsightedness, a 18 particular mind set, but the perception out there is 19 it comes down to a single issue or something that it 20 may or may not be, so I think -- I don't know if the 21 gag order was helpful or not with people not going out 22 and talking about it.</p> <p>23 Q. What's the single issue that you believe the 24 public perceives this case is about?</p>	<p>91</p> <p>1 there are many sides to every story and there are many 2 facets to this particular case.</p> <p>3 Q. Do you believe that a gag order is still in 4 place?</p> <p>5 A. Yes, I am operating under that -- I am going 6 to operate under that until otherwise directed by 7 either Jason or a judge.</p> <p>8 Q. Has anyone told you that a gag order is no 9 longer in place, aside from your attorneys or a judge?</p> <p>10 A. No. Has anyone ever -- I'm sorry, say that 11 again, please.</p> <p>12 Q. Has, aside from your attorneys or a judge, 13 has anyone told you that a gag order is no longer in 14 place?</p> <p>15 A. There was some discussion in an executive 16 session if there was or there wasn't, but the bottom 17 line it came down to, as I left there, my 18 understanding was that there was, do not discuss.</p> <p>19 Q. And you have continued to operate under that 20 assumption since then?</p> <p>21 A. That's the way I have been operating, yes, 22 sir.</p> <p>23 Q. Has anyone told you they believe the ACLU is 24 involved with this case?</p>
<p>90</p> <p>1 A. I believe the public thinks this is about 2 prayer in schools.</p> <p>3 Q. Have you ever heard anyone say that this case 4 is about board prayer?</p> <p>5 A. Mr. Horvath, I can't sit here and tell you 6 that I have heard that. I just -- I believe that the 7 perception out there in the public is that this case 8 is about prayer in schools.</p> <p>9 Q. Do you know if any school board member has 10 campaigned for election or re-election on the ground 11 that they support school board prayer?</p> <p>12 A. We had several elections last time. I have a 13 lot of things going on. I didn't have an opportunity 14 to follow everyone else's campaign, if you will call a 15 school board election a campaign. How and what 16 exactly they said or didn't say at their different 17 functions, I don't know.</p> <p>18 Q. You mentioned before what you characterized 19 as a misrepresentation that this case is about prayer 20 in schools. Have you done anything to correct that 21 mis-perception?</p> <p>22 A. Again, how I refer to anything that's brought 23 up about this case is there is a gag order. My 24 responses are very limited, pretty much to zero, and</p>	<p>92</p> <p>1 A. I believe at executive sessions there have 2 been some mention that the ACLU is behind this case, 3 yes.</p> <p>4 Q. Do you believe that the ACLU is behind this 5 case?</p> <p>6 A. I don't know that for a fact.</p> <p>7 Q. Have you ever discussed with someone in the 8 community as to whether or not the ACLU is involved in 9 this case?</p> <p>10 A. No, sir.</p> <p>11 Q. Has anyone told you that they see this case 12 as standing up to the ACLU?</p> <p>13 A. No, I don't recall having that conversation.</p> <p>14 Q. Which board members told you that the ACLU 15 was involved with this case?</p> <p>16 A. Again, I think that's a discussion in 17 executive session, and I cannot -- I feel like I am 18 pointing fingers, because I am not 100 percent sure, 19 but I believe that perhaps Nina Lou Bunting may have 20 mentioned that.</p> <p>21 Q. Have any of the board members described the 22 ACLU as anti Christian?</p> <p>23 A. No, I don't recall hearing that.</p> <p>24 Q. Has anyone in the public described the ACLU</p>